to have branches, to retain them. In other words, the purpose of the act is not to disintegrate an existing situation in that regard.

I call attention also to the fact that where State banks are converted into national banks it sometimes happens that the State bank at the time of the conversion has one or more branches existent. It is provided in this measure that these branches may be retained, as in the case of consolidations, upon the theory that there should be no disturbance of an existing status. But saving branches that exist under laws in force at the time this law goes into effect, if the Congress in its wisdom shall pass it, there may be no branches established in the future by national banks save within the limits of the municipality and subject to the restrictions as to population I have already mentioned.

Mr. KING. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. KING. Does not the Senator think that the measure as he is now expounding it discriminates against a number of banks in the municipalities? I understood the Senator to say that the comptroller might determine how many in a municipality might have branch banks, so that if there are, say, half a dozen national banks, and the comptroller determines that only one or two or three should be permitted to have branch banks, obviously there would be a discrimination against the residue.

Mr. PEPPER. The Comptroller of the Currency has the discretion as to how many branches he will allow to a single national bank in municipalities having more than 100,000 people, but in municipalities with populations between 25,000 and 50,000 a national bank—and that means every national bank—is entitled to one; in municipalities with a population between 50,000 and 100,000, two; and in municipalities with a population above 100,000, subject only to the discretion of the comptroller. I may say, if the Senator will permit me, that the purpose of this measure being to give equality of opportunity to the national banks as compared with State banks, there is little danger that the Comptroller of the Currency will stifle them in their right to establish branches in any case where commercially it is the wise thing to do.

Mr. President, the principal difficulty about the bill, from the point of view of many Senators on the floor, was removed when the committee reported in favor of eliminating section 9 of the bill as it passed the House, which was a section requiring member banks in the Federal reserve system, State banks, or trust companies to relinquish branches to which they were entitled under State law as a condition of admission to the Federal reserve system. That has been deemed by the committee an unwise attempt to cripple the Federal reserve system as a means of giving to national banks the equality of opportunity which it is the object of this measure to confer. The committee have reported an amendment striking out that section of the bill as it passed the House.

The PRESIDENT pro tempore. May the Chair make an inquiry of the Senator from Pennsylvania, whether the Senator asks unanimous consent to have the bill as it passed the House taken up instead of the Senate committee bill on the same subject?

Mr. PEPPER. I did, but the Senator from Arkansas made a statement in regard to the matter——

Mr. ROBINSON. Mr. President, the unanimous consent already granted gives the Senate the right to consider either or both bills.

Mr. PEPPER. I desired to be perfectly safe about it, so I asked unanimous consent, as suggested by the Chair; but the Senator from Arkansas satisfied me that the Senate had before it both measures under the unanimous-consent agreement.

I am most reluctant to prolong my remarks on this bill, unless by so doing I can clear up doubts in the mind of any Senator. I am very anxious to get a vote upon it.

Mr. HEFLIN. Mr. President, I want to suggest to the Senator that we will hardly be able to get a vote on this bill tonight, because some of us want to look into it a little more, and probably have something to say on the subject.

Mr. JONES of Washington. Mr. President, may I ask the Senator a question?

Mr. PEPPER. I yield to the Senator from Washington.

Mr. JONES of Washington. As I understand it, this bill would permit a national bank, in a State where branch banks are permitted by State law, to establish branch banks, but in a State where there is no law permitting branch banking, even though the State might hereafter pass such a law, these banks would not be permitted to establish branches?

Mr. PEPPER. The Senator is correct if as to the first part of his statement it is understood he means that the national banks may establish branches within the limits of a municipality in a State which at the time of the passage of this bill authorizes by law, regulation, or usage, with official sanction, State institutions to have such branches.

Mr. JONES of Washington. I understand that.

Mr. PEPPER. I may say, Mr. President, that the limitation on the branches given by this bill to institutions in States which have legislated up to but not after the date of the passage of this act results from the so-called Hull amendment, which was introduced in the House, which prevailed with the House, and is regarded by those who are most earnest in their opposition to branch banking as a very vital feature of this legislation, the reason being, as Senators will see, that as long as the limitation to which the Senator from Washington calls attention exists it will not be worth while for advocates of branch banking to start campaigns in State legislatures to get State branch banking privileges from those legislatures, because it will be too late. Only the States which have legislated up to the date of the enactment of this bill are the States to which the provisions of the bill are applicable.

Mr. JONES of Washington. As I understand it, the Senate committee has accepted the so-called Hull amendment?

Mr. PEPPER. That is the fact. The Senate committee regards this measure as a long step in the direction of liberalizing the practices of national banks within the limits of safety. We went as far as we thought we could go consistently with success in the Senate and in the House, and we believe that it is essential to the welfare of this bill that some limitation should remain in it.

Mr. JONES of Washington. As I understand it, in my State branch banks are not now permitted, so that if that condition should continue when this bill is passed, then, even though the State might hereafter permit branch State banks, national banks would not be permitted to establish branches?

Mr. PEPPER. That is the fact.

RECESS

The PRESIDENT pro tempore. The hour of 11 o'clock having arrived, under the unanimous-consent agreement heretofore entered into the Senate will stand in recess until 12 o'clock to-morrow.

Thereupon the Senate (at 11 o'clock p. m.) took a recess until to-morrow, Friday, February 20, 1925, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 19, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, Thou art never far away but ever present. Thy providence uttereth speech day by day. May the constancy of such care make urgent appeal to our sense of obligation. It is Thy right to demand of us integrity of purpose and rectitude of conduct. Help us, O Lord, to obediently accept Thy sovereignty. Stimulate us with wisdom and clear vision in the discussion of the needs and the problems of our country. At all times give us the mind of Him who was always merciful, gracious, and considerate of all men. Amen.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12033) making appropriations for the government of the District of Columbia, and other activities, chargeable in whole or in part against the revenues of said District, for the fiscal year ending June 30, 1926, and for other purposes, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, in the Senate the Federal contribution has been increased from $9,000,000 to $11,000,000. The bill was framed in the House entirely upon the theory that the compromise arrived at a

year ago with the Senate on a basis of $9,000,000 was to continue. The compromise of a year ago was considerably higher than some of the House favored, and somewhat higher than a good many of us favored. Personally, I feel that if the Senate is going to continue to haggle over that proposition, take whatever compromise we arrive at and increase it, in order to get a higher compromise, we will have to act hereafter with that in view and send them a bill with a Federal contribution of three or five or seven million dollars as a starter. I know the sentiments of the House conferees, I think, pretty well, and have full confidence in them, but I want to be assured that before the House conferees agree to any increase over $9,000,000 in the Federal contribution the item will be brought back to the House for action by the House. I make this request not because I have any question as to the attitude of the conferees on the part of the House, but it is getting late in the session and I feel that final disposition of the bill will be promoted if it is understood both by the Senate and the House that that amount is not going to be increased without action upon it by the House.

Mr. DAVIS of Minnesota. Mr. Speaker, this is a very controversial question. While I can not speak very definitely concerning the gentlemen whom I expect to be conferees, yet I for one of the conferees will say that upon that matter I agree with the sentiment of the gentleman from Michigan [Mr. CRAMTON], and that in case there is an attempt to raise the Federal contribution, before I personally will consent to it I shall certainly bring it back to the House. I can not say what Mr. AYRES, or Mr. FUNK, whom I expect will be the other conferees, will do. I see neither of them here at the present moment.

Mr. CRAMTON. Mr. Speaker, I shall be obliged to object to the request unless definite assurance is given that there will be no increase of that amount except opportunity for a direct vote upon it is given in the House.

Mr. DAVIS of Minnesota. I for one of the conferees agree with that sentiment, but I can not speak for the other two.

Mr. CRAMTON. Mr. Speaker, the gentleman from Minnesota [Mr. DAVIS] is in charge of the bill. I am not asking what action shall finally be taken by the House, but I am asking assurance that that item will not be disposed of by an increase without a direct vote by the House.

Mr. DAVIS of Minnesota. I shall not agree to it unless there is a direct vote of the House, and I have assurance from the gentleman from Kansas [Mr. AYRES] and the gentleman from Illinois [Mr. FUNK] that that is their idea also.

Mr. CRAMTON. Then I understand the gentleman to say that the conferees will not grant an increase in that item without a vote by the House?

Mr. DAVIS of Minnesota. That is my statement.

Mr. CRAMTON. There is only one other matter that I wish to call to the gentleman's attention. In the gasoline-tax fund the gentleman's committee endeavored to make sure that an item once approved for construction would finally be constructed, and if there was not enough money in the fund this year, it would be constructed next year.

Mr. DAVIS of Minnesota. That is my understanding.

Mr. CRAMTON. And it would have priority over other items?

Mr. DAVIS of Minnesota. That is my understanding.

Mr. CRAMTON. The Senate has changed that by putting in the words "so far as practicable," which takes the lid off, and while I have no desire to insist upon it now, I call it to the gentleman's attention with the hope that the conferees will not permit the lid so to be taken off.

Mr. DAVIS of Minnesota. I believe the conferees will act accordingly.

Mr. BYRNS of Tennessee. Mr. Speaker, further reserving the right to object, as the gentleman knows, the Senate has adopted two or more amendments relative to the Tidal Basin.

Mr. DAVIS of Minnesota. I do not know except what I see in the newspaper.

Mr. BYRNS of Tennessee. The gentleman has the same information that I have, and I am quite sure that he will learn the fact when he goes to conference. For the gentleman's information, then, I say that the Senate has adopted two or more amendments relative to the two Tidal Basins here in the city of Washington. So far as I am concerned I am willing, if the gentleman will agree to it, to take that matter up now and dispose of it by a motion to concur in those amendments. If the gentleman is unwilling to take that course at this time, then I ask the gentleman to agree that if he and his fellow conferees are unwilling to agree to the action of the Senate with reference to those Tidal Basins, he will bring all the amendments relating thereto back to the House and give the House an opportunity to vote upon them.

Mr. DAVIS of Minnesota. Personally, I will agree as far as I am concerned.

Mr. BYRNS of Tennessee. I want to say to the gentleman that is not entirely satisfactory to me, and I shall be constrained to object unless I have a positive promise from all or a majority of the conferees that the House will have an opportunity to vote upon those amendments, because I think the House is entitled to it. It was voted on in the House and lost by a very narrow margin.

Mr. DAVIS of Minnesota. I can not bind the two absent conferees, but I promise as far as I am concerned.

Mr. BYRNS of Tennessee. I have had some experience on conference committees, and I know that the gentleman's fellow conferees, if he makes that promise, will see that it is kept.

Mr. DAVIS of Minnesota. I will promise it absolutely as far as I am concerned and will try to induce the other two conferees to agree with me.

Mr. BYRNS of Tennessee. Until the other conferees come in and can make a statement, I object.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 491. An act for the prevention of venereal diseases in the District of Columbia, and for other purposes;

H. R. 4522. An act to provide for the completion of the topographical survey of the United States;

H. R. 5084. An act to amend the national defense act approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes;

H. R. 5722. An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, and for other purposes;

H. R. 7687. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes;

H. R. 10770. An act granting certain lands to the State of Washington for public park and recreational grounds, and for other purposes;

H. R. 11706. An act to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho; and

H. R. 12033. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3613. An act to provide for retirement for disability in the Lighthouse Service; and

S. 4107. An act to authorize the President in certain cases to modify visé fees.

CONFERRING JURISDICTION UPON THE COURT OF CLAIMS IN RE ASSINIBOINE INDIANS

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7687, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore (Mr. LEHLBACH). The gentleman from New York asks unanimous consent to take from the Speaker's table the bill H R. 7687, to disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. CRAMTON. Has the bill been reported by title?

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 7687) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. Without objection, the present occupant of the chair will appoint the following conferees, which the Clerk will report.

The Clerk read as follows:

Messrs. SNYDER, LEAVITT, and HAYDEN.

AUTHORIZING SUITS AGAINST THE UNITED STATES IN ADMIRALTY, ETC.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9535, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 9535, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 9535) authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. Without objection, the present occupant of the chair will appoint the following conferees.

The Clerk read as follows:

Mr. EDMONDS, Mr. UNDERHILL, and Mr. BOX.

AMENDING PARAGRAPH 20 OF SECTION 24 OF THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2716, which has passed the House, and also the Senate with a slight amendment with reference only to stating that the bill applies to the revenue act of 1924 instead of 1925, and to agree to the Senate amendment.

The SPEAKER pro tempore. The gentleman from Missouri moves to take from the Speaker's table the bill H. R. 2716——

Mr. BLANTON. Mr. Speaker, he can not move that; he can only ask unanimous consent.

Mr. SNELL. That is what the gentleman did.

The SPEAKER pro tempore. The gentleman from Texas is in error; the gentleman could make that motion. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 2716) to amend paragraph 20 of section 24 of the Judicial Code as amended by act of November 23, 1921, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes."

The motion was agreed to.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count.

Mr. BLANTON. Mr. Speaker, I was mistaken in the bill and I withdraw the point.

The SPEAKER. The gentleman from Texas withdraws the point of order.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The question was taken, and the amendment was agreed to.

Mr. DYER. I ask unanimous consent that the title be changed to conform with the amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

TOPOGRAPHIC SURVEY OF THE UNITED STATES

Mr. TEMPLE. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 4522 and concur in the Senate amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4522) to provide for the completion of the topographic survey of the United States.

The Senate amendment was read.

The question was taken, and the Senate amendment was agreed to.

DISTRICT APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I desire to place in the RECORD now the fact that as to the amendments suggested by the gentleman from Tennessee [Mr. BYRNS] about the bathing beach, put upon the District appropriation bill by the Senate, I will now say that we will not agree to the amendments but will bring the matter back to the House.

Mr. BYRNS of Tennessee. I have no objection to the gentleman consenting to the amendments. My request was that if the conferees find that it is impossible for them to consent to them they will bring the matter back to the House and permit the House to vote on it.

The SPEAKER. Is there objection to the request?

Mr. BYRNS of Tennessee. With that assurance, I withdraw my objection.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. The gentleman knows that if he should agree to any raise whatever in the contribution that the Government makes with respect to the District it could not be changed in the House at all. You have either got to vote the conference report up or down.

Mr. DAVIS of Minnesota. I know that.

Mr. BLANTON. If we let this go to conference by unanimous consent, the gentleman will assure the House he will not agree to any raise of the $9,000,000?

Mr. DAVIS of Minnesota. I have already stated that, and it is now a matter of record.

The SPEAKER. If there objection to the request of the gentleman from Minnesota?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. DAVIS of Minnesota, Mr. FUNK, and Mr. AYRES.

UNIFICATION OF NATIONAL DEFENSE—A DEPARTMENT OF DEFENSE

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address I made last night on the unification of national defense.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks by printing the address referred to. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I desire to have printed an address I made last night on the unification of national defense.

The address is as follows:

ADDRESS OF HON. JOHN PHILIP HILL, REPRESENTATIVE FROM MARYLAND, BEFORE THE EAST END IMPROVEMENT ASSOCIATION OF BALTIMORE AT ITS TWENTY-NINTH ANNUAL DINNER, ON WEDNESDAY EVENING, FEBRUARY 18, 1925, AT THE SOUTHERN HOTEL, BALTIMORE, MD.

Senator NORRIS, ladies, and gentlemen, yesterday before the Committee on Military Affairs of the House of Representatives Colonel Roosevelt, formerly Assistant Secretary of the Navy, and Brigadier General Mitchell, Assistant Chief of the Air Service of the Army, discussed from opposite points of view the advisability of the creation of a department of air to coordinate the air defenses of the United States. To-day a joint hearing of the two subcommittees of the Senate and House Military Affairs Committees was held for the purpose of considering the bill introduced in the Senate by Senator WADSWORTH and in the House by myself for the permanent construction of military posts for the defense of this great Nation. While we were examining the maps showing the location of various Army posts on the Atlantic, on the Pacific, on the Mexican and other borders I found myself wondering what naval stations there were on our various frontiers and how these naval stations were physically related to the Army posts, whose coordination and location for the national defense we were then considering. It occurred to me that there should be a very careful examination of the location for defense purposes not only of Army posts but of naval stations at a time when the whole nation is interested in the future location of airdromes and air posts or stations, and I asked that a map not only of Army real estate but of naval real estate be made a part of the hearings.

To-day there is enormous interest throughout the whole Nation in the question of air power, and very great interest in the question of whether there is necessity for development of this air power, especially as a method of national defense, the creation of a new Federal department of air. The discussion of the question of the possible necessity for a separate executive division of the National Government dealing exclusively with air brings back to my recollection the recommendation of President Harding, made from the White House on February 13, 1923, that the War Department and the Navy Department should be consolidated as one single department of defense. At that time, in submitting a report to the chairman of the Joint Committee on the Reorganization of Government Departments, a number of recommendations were made by the President after numerous conferences and consultations with the various heads of the executive branch of the Government. The President said that his recommendations, which covered the whole field of Federal executive activity, had the sanction of the Cabinet with few exceptions, "notably that of coordinating all agencies of national defense." At that time I was rather shocked by the suggestion that the War Department and the Navy Department should be consolidated, but in listening to the hearings we have recently had on the subject of air defenses, I find myself gradually coming to the conclusion that we can, with the greatest possible benefit, consider a department of defense with three more or less coordinate branches—the Army, the Navy, and the Air. Each of these three subdepartments would be in charge of an undersecretary for the Army, an undersecretary for the Navy, and an undersecretary for the Air, while President Harding's original recommendation of an undersecretary for national resources should at the same time be given most careful consideration.

The plan recommended by President Harding and the Cabinet, as one of its outstanding recommendations, advocated the coordination of the Military and Naval Establishments under a single Cabinet officer, as the department of national defense. The organization of this department was suggested as follows:

DEPARTMENT OF DEFENSE (WAR, NAVY)

SECRETARY FOR DEFENSE

Undersecretary for the Army.
Assistant Secretary.
Executive offices:
- General Staff.
- War boards and commissions.
- Office of The Adjutant General.
- Office of the Inspector General.
- Office of the Judge Advocate General.
- Office of the Quartermaster General.
- Office of the Chief of Finance.
- Office of the Surgeon General.
- Office of the Chief of Ordnance.
- Office of the Chief of Chemical Warfare Service.
- Militia Bureau.
- Office of the Chief of Chaplains.
- Office of the Chief Signal Officer.
- Office of the Chief of Air Service.
- Office of the Chief of Infantry.
- Office of the Chief of Cavalry.
- Office of the Chief of Field Artillery.
- Office of the Chief of Coast Artillery.
- Office of the Chief of Engineers.
- Military Academy.
- Panama Canal.

Undersecretary for the Navy.
Assistant Secretary.
Executive offices:
- Office of Naval Operations.
- Navy boards.
- Bureau of Navigation—
  - Naval Academy.
- Bureau of Yards and Docks.
- Bureau of Ordnance.
- Bureau of Construction and Repair.
- Bureau of Engineering.
- Bureau of Aeronautics.
- Bureau of Supplies and Accounts.
- Bureau of Medicine and Surgery.
- Revenue Cutter Service (Coast Guard, Treasury).
- Headquarters, Marine Corps.
- Judge Advocate General.
  - Solicitor.

Undersecretary for National Resources (new).
Assistant Secretary.
Executive offices:
- Men.
- Munitions.
- Food and clothing.
- Transportation.
- Communications.
- Fuel.
- Miscellaneous.

Joint boards (War and Navy).
National Advisory Committee for Aeronautics (independent).

In explaining the above recommendations President Harding said:

"(a) These departments are placed under a single Cabinet officer, as the Department of Defense. Three undersecretaries are provided: For the Army, for the Navy, and for national resources.

"(b) The nonmilitary engineering activities of the War Department, including the Board of Engineers for Rivers and Harbors, the District and Division Engineer Offices, the Mississippi River and California Débris Commissions, the Board of Road Commissioners for Alaska, and the Office of Public Buildings and Grounds (District of Columbia), are transferred to the Department of the Interior.

"(c) The marine activities of the War Department, including the Lake Survey Office, the Inland and Coastwise Waterways Service, and the Supervisor of New York Harbor, are transferred to the Department of Commerce.

"(d) The Bureau of Insular Affairs is transferred from the War Department to the Department of State.

"(e) The Hydrographic Office and the Naval Observatory are transferred from the Navy Department to the Department of Commerce.

"(f) The Revenue Cutter Service, now a part of the Coast Guard in the Treasury Department, is transferred from that department to the Naval Establishment."

The Departments of War and Navy are departments which exist for the purpose of carrying out that part of the Constitution which seeks to "insure domestic tranquillity." When the War Department was originally created it had charge of both the land and naval defenses of the United States. It was not until 1798 that the sea soldiers of the United States passed from the control of the War Department, and the newly created Secretary of the Navy assumed direction of the naval affairs of the Nation. In those days the Army was very small and the Navy was tiny. To-day, we are appropriating for 1926 for the Army alone $260,391,250, and for the Navy alone $289,862,878, including all military activities under the War Department, but not including the civil activities under the War Department.

This makes a total for the Army and the Navy of $550,253,628, and in this sum are included large appropriations for aviation both in the Army and in the Navy. The above figures include both the regular annual and permanent and also what is known as indefinite appropriations. The total of the Budget estimate for 1926, exclusive of the amounts payable from postal revenues, is $3,092,143,841.38. Including the $637,376,005 payable from postal revenues, the total of the Budget estimates for 1926 is $3,729,519,846.48. Of this huge sum there is appropriated about 16.77 per cent for the Army and the Navy for the purposes of securing our national protection, without which all other expenditures of the Government are futile.

When we come to consider the question of a separate Army Department and a separate Navy Department, and a possible separate air department, we will do well to recall the status of the War Department in its early days. The Chevalier de Pontgibaud (Marquis de More), who had served through the Revolution as aid-de-camp to the Marquis de Lafayette, revisited the United States a few years after the institution of the Federal Government. He recorded (A French Volunteer of the War of Independence, p. 124):

> "The Government officials were as simple in their manners as ever. I had occasion to call upon Mr. McHenry, the Secretary of War. It was about 11 o'clock in the morning when I called. There was no sentinel at the door; all the rooms, the walls of which were covered with maps, were open, and in the midst of the solitude I found two clerks, each sitting at his own table, engaged in writing. At last I met a servant, or rather the servant, for there was but one in the house, and asked for the Secretary. He replied that his master was absent for that moment, having gone to the barber's to be shaved. Mr. McHenry's name figured in the State budget for $2,000 (10,500 francs), a salary quite sufficient in a country where the Secretary of War goes in the morning to his neighbor, the barber at the corner, to get shaved. I was as much surprised to find all the business of the War Office transacted by two clerks as I was to hear that the Secretary had gone to the barber's."

Should the chevalier visit the War Department and the other executive departments of the Government to-day he might find the Government officials as simple in their manners as before, but he would find a very different War Office and a very different Federal executive from that which so surprised him in the early days of the Republic.

There are many excellent arguments beside tradition in favor of a separate department for the Army, a separate department for the Navy, and possibly a separate department for the Air, but we must remember that the original War Department, over which Mr. McHenry of Maryland presided, was a unified Department of Defense, a department which had charge of both the Army and Navy, and would have had charge of air defense had airplanes existed in those days. I do not wish to finally commit myself to consolidation of the Army, Navy, and Air, but I feel that while we are considering the creation of a possible new Department of Air, that we should give most serious consideration to the recommendation made by President Harding in 1923.

None of us want war. No one desires war less than those who have known the horrors of actual combat, but adequate national protection is the only possible way in which we can maintain our national security. During the past war, because of lack of national defense, many of our soldiers took their chance and took it finally and for all time. I well recall one afternoon in June, 1918, how, on the deck of a transport, there came into my mind what kind of "chance" it was that America was taking, and you will perhaps pardon me if I depart from an almost inviolable rule and quote to you a little verse that came into my head from out of the sea at that time. I called this "Our chance," and it is as follows:

Gray sea, gray sky, and ships of mottled hue;
Gray sky, gray seas, yet cloud-rift bits of blue.
Gray mists, gray rain;—beyond! the coasts of France,
Across the silent danger zone where we must take our chance.
We take our chance,—a thousand eyes on each ship scan the sea,
Waiting, watching, waiting for the crest of the Valkyrie;
The crest of the Teuton goddess, the chooser of the slain,
Whose lone eye peers from the top of the sea
Where her victims' bones are lain.
We take our chance, clear-eyed, hearts high, Sons of the Newer Day,

To drive the spawn of the Elder Gods back to their holes of clay.
We take our chance for the love of Christ,
Fighting the heathen horde;
We take our chance, for the same high cause that
The blood of our grandsires poured.
Gray seas, gray sky, and the gathering dark before;
Gray sky, gray seas, but beyond—the Gallic Shore!
Beneath the flag of Liberty, thank God, we take our chance,
On, on, swift ships, on, on, brave men—beyond's the coast of France.

We never want war again in this Nation, but when we are spending so much money a year for the Army and Navy we are doing it because we firmly believe an Army and Navy are necessary for national defense. To-day, while we are considering the question of air defenses, I think we may well again reconsider the whole matter of national defense with the view of coordination in time of peace of all war resources under a department of defense to secure for ourselves the blessings of tranquillity.

In order to bring this matter to the consideration of the Congress, I am preparing a bill to reconstitute the War Department as it originally existed by the restoration to it of all those defense functions now carried on by the Navy Department; to reorganize the War Department as thus reconstituted; to change the name of such department to the department of defense, and for other purposes.

FEDERAL TRADE COMMISSION

Mr. SPEARING. Mr. Speaker, I ask unanimous consent to proceed shortly out of order and to extend my remarks in the RECORD.

The SPEAKER. The Chair misunderstood the gentleman. The Chair thought the gentleman desired to ask leave to extend his remarks.

Mr. SPEARING. I do desire to ask unanimous consent to extend my remarks in the RECORD by printing the reply of the New Orleans Cotton Exchange.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. SPEARING. Mr. Speaker, just before adjournment last June the Senate by its Resolution No. 252 declared, in substance, that for the purpose of providing the Congress proper information to serve as a basis for such legislation as may in its opinion be found necessary for the regulations of the shipment or sale of cotton in interstate and foreign commerce, and to investigate and report the facts relating to any alleged violations of the antitrust act by any corporation, directed the Federal Trade Commission to investigate the facts relating to alleged shipments and sales in interstate and foreign commerce by cotton factors or shippers of cotton held by them as security for advances or otherwise, and to report to the Senate in due time its findings thereon, together with such recommendations as it may deem advisable. The Federal Trade Commission transmitted its report to the Senate under date of January 20, 1925, the letter of transmittal and the report with recommendations being known as Senate Document No. 194. The Trade Commission reported that it found certain practices among cotton factors that were undesirable, if not injurious, to the cotton trade, and made several suggestions looking to the correction of the evils, real or imaginary, existing in the trade relations between the cotton producer and the factor.

It so happens that with one or two exceptions all of the suggestions by the Trade Commission had been put into effect and are in existence in the cotton trade in the city of New Orleans either as the result of State legislative enactment or a rule of the cotton exchange.

The cotton factors of New Orleans, deeming it wise and advisable that it be known that the plans and practices suggested by the Federal Trade Commission have been followed in the cotton trade in the New Orleans market for a number of years, have prepared a statement containing the suggestions of the Trade Commission and indicating the manner and basis upon which those suggestions have been and are being followed, and explaining why the one or two suggestions which are not existing in the New Orleans trade can not be accepted there. The statement of the cotton factors in New Orleans is as follows:

NEW ORLEANS, *February 3, 1925.*

To the President and Board of Directors of the New Orleans Cotton Exchange.

GENTLEMEN: Members of the spot-cotton trade call attention to letter of the Federal Trade Commission sent to the United States Senate in reference to cotton merchandising practices on the 20th of January in response to Senate Resolution 252 of June 7, 1924.

Whatever may be the true intent of the commission, their method of treating the questions which they have propounded to themselves is, in our judgment, unfair and calculated to prejudice the minds of producers against handlers of their merchandise without due and sufficient cause.

In so far as the New Orleans market is concerned, as will be seen by appended answers, practically all of the suggestions of the Federal Trade Commission are met by State law or rules of the New Orleans Cotton Exchange. This with one or two exceptions which are shown to be impractical or unnecessary.

We feel that a great injustice has been done by the Federal Trade Commission to the cotton trade at large, and especially the New Orleans market, in giving undue weight and prominence to so-called practices which do not exist and are amply provided against by necessary laws or regulations.

For these reasons it is respectfully suggested that your board protest against the Federal Trade Commission's method of investigations, and that our Senators and Members in Congress be earnestly requested to advocate the passage of a law that will require the commission to give full hearing to business interests before, instead of after, issuance of public complaint, or the assumption of complaint by the commission.

We request that copy of the following answers accompany your letter of protest to our Senators and Members of Congress, with request that the same publicity be given to said answers in the CONGRESSIONAL RECORD or otherwise as was accorded to the Federal Trade Commission letter.

Respectfully,

(Signed by members of the spot cotton trade of New Orleans.)

NEW ORLEANS, *February 3, 1925.*

ANSWERS BY THE SPOT COTTON TRADE OF NEW ORLEANS TO SUGGESTIONS OF THE FEDEARL TRADE COMMISSION

As contained in said commission's letter of January 20, 1925, in reference to Senate Resolution 252 of June 7, 1924.

SUGGESTION 1

The cotton exchanges should adopt rules whereby the consignee is forbidden to sell cotton to himself or any organization in which he is financially interested. If this be deemed too drastic, he should be forbidden to do so without the express consent of the consignor.

ANSWER TO SUGGESTION 1

The general law as stated in 31 Cyc., page 1434, prohibits any factor or agent buying property consigned to him, viz:

> "As a general rule, it is a breach of good faith and loyalty to his principal for an agent, while the agency exists, so to deal with the subject matter thereof, or with information acquired during the course of the agency, as to make a profit out of it for himself in excess of his lawful compensation; and if he does so, he may be held as a trustee and may be compelled to account to his principal for all profits, advantages, rights, or privileges acquired by him in such dealings, whether in performance or in violation of his duties, and be required to transfer them to his principal, upon being reimbursed for his expenditures for the same, unless the principal has consented to ratify the transaction, with knowledge that a benefit or profit would accrue or had accrued to the agent."

In addition, act No. 8 of the Louisiana Legislature of 1918 also prohibits the same, to wit:

> "That commission merchants are hereby prohibited from charging or deducting commissions on any consignment on any amount except the amount paid by the purchaser of the consigned goods; that when any commission merchant has good and sufficient reasons to refuse a consignment or claims it seriously damaged or short, he shall immediately communicate with the consignor, stating reason therefor; that any person who shall misstate the condition of farm products or other products above enumerated or misstate the condition of the market, or any sale made, with intention to defraud, or if any such commission merchant shall take to his own account, or sell to himself or to any firm, partnership, corporation, or association, of which he is a part or is agent, or is in any way interested, directly or indirectly, any part of any consignment and such taking to account or sale is made to deceive or defraud the consignor, or to reduce the grade, value, or market price of such consignment or any part thereof, off the market temporarily in order to sell to his own advantage and profit or that of such firm, partnership, corporation, or association, he shall be deemed guilty of a misdemeanor, and, upon conviction before any court of competent jurisdiction, be sentenced to the parish jail for not less than 30 days nor more than six months and shall be fined not less than $25 nor more than $100."

SUGGESTION NO. 2

The exchange should be required to keep records of spot sales, including exact time of all sales, grades, staples, etc., and to provide

the necessary mechanism to enable the consignor to compare the price obtained by him on sales to the factor with other sales of cotton of similar character in the same market. Appropriate penalties by way of suspension and expulsion should be provided to enforce these rules. This should, of course, be subject to proper qualifications permitting the consignee to sell the cotton to himself or to others to protect advances to consignor in the event of a market decline.

ANSWER TO SUGGESTION NO. 2

Act 242 of the Louisiana Legislature, passed in 1910, covers this point and reads as follows:

"SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That it shall be unlawful for any firm, person, corporation, or association of persons doing a commission or brokerage business in the State of Louisiana, to render any false statement, or account of sales of any cotton, or other agricultural product, to the shipper of same, or to falsely represent that same is being held for future sale, when in fact the said cotton or other agricultural product has been sold and only a sample of same retained by the said firm, person, corporation, or association of persons.

"SEC. 2. *Be it further enacted*, That whosoever shall sell any cotton or other agricultural product received on consignment without rendering to the consignor within 10 days after delivery a complete account of such sale, showing the grade, price received, name of purchaser, and his post-office address, and whosoever shall render any account of sales of any cotton or other agricultural product and shall make on same any false charge, or shall make any false statement or report of the condition of any cotton or other agricultural product, or who shall render any account for shortage, or make any other false report calculated to deceive the consignor with intent to defraud shall be deemed guilty of violation of this act.

"SEC. 3. *Be it further enacted*, That any firm, person, corporation, or association of persons violating the provisions of this act shall be deemed guilty of a felony, and shall, upon conviction, be fined in a sum of not less than $100, nor more than $1,000, and imprisoned not less than 30 days, nor more six months, at the discretion of the court; the said fine to go one-third to the district attorney and two thirds to the public-school fund of the parish where the offense was committed."

In addition, act 99 of the Louisiana Legislature of 1900 requires factors, brokers, commission merchants, and middlemen to embody in accounts of sales of sugar, cotton, rice, and other agricultural produce, the name of the person to whom such produce is sold, the date when sold, the actual classification of such produce, and the name of the person by whom such classification was made. For a violation of this statute the person is deemed guilty of a misdemeanor to suffer fine and imprisonment, at the discretion of the court.

In addition, act 206 of the Louisiana Legislature of 1906 requires that the name and address of the purchaser be given in account sales made by commission merchants on all agricultural produce, which seems to be superseded by act 242 of 1910.

In addition, rules 16 and 16–A of the general rules of the New Orleans Cotton Exchange refer to reports of sales of cotton in this market and are quoted as follows:

"RULE 16. The committee on spot quotations shall make up quotations of the official spot market of the exchange daily at the closing hour of the future business, which shall be posted promptly in the exchange rooms.

"The committee shall quote the grades designated in the official cotton standards of the United States and such other grades as may be necessary to embrace cotton sold in the New Orleans market.

"The quotations as a whole shall be based on the closing price of the basis future month. In arriving at value of middling and the differences between middling and other grades above or below middling, the committee shall take into consideration all cotton sold on spot terms, including sales of hedged cotton, and shall also take into consideration cotton to arrive for prompt shipment, whether sold on description or on actual samples.

"The quotation committee may take into consideration bona fide offers and bids. The committee may also disregard any sale which in their opinion does not truly represent the market value of the cotton sold.

"The spot quotation committee shall state in their report that their quotations are based on the official cotton standards of the United States, and are for short staples or upland cotton.

"Information given by buyers or sellers of their daily purchases or sales shall be considered confidential in so far as the names of the parties thereto are concerned.

"A representative of the Bureau of Agricultural Economics of the United States Agricultural Department is authorized and requested to participate with the committee on spot quotations in the investigation of evidence and arriving at daily quotations of the New Orleans market, provided that whenever a change of the differences between the grades is under discussion and the spot quotation committee and the representative of the Bureau of Agricultural Economics do not agree, it shall be the duty of said committee to consult the chairman of the committee on supervision and deliveries before any change is made and the chairman of the committee on supervision and deliveries shall thereupon refer the matter to his committee as a whole.

"RULE 16-A. It shall be the duty of the members of the exchange to give information to the spot quotation committee in reference to their daily purchases and sales for delivery in New Orleans, whether on ex-warehouse, to-arrive, or cost, freight and insurance terms, or otherwise; embracing the number of bales, grades, and prices at which bought or sold. Whether sales are made locally, ex-warehouse, or to-arrive on samples, the seller shall, when called upon, submit the samples of the cotton for inspection by the committee. Failure to comply with this provision shall subject the party so failing to a penalty of $25 for the first offense and $100 for each and every subsequent offense."

SUGGESTION NO. 3

The cotton exchanges should require factors to report to their shippers the names of the purchasers of their consignments.

ANSWER TO SUGGESTION NO. 3

(See answer to suggestion No. 2.)

SUGGESTION NO. 4

Exchange rules should require the suspension or expulsion of any member not returning the full amount of the sales price, less the proper deductions, to consignor.

ANSWER TO SUGGESTION NO. 4

Article 8 of the constitution and article 5 of the by-laws of the New Orleans Cotton Exchange govern members of the New Orleans Cotton Exchange, and read as follows:

"ARTICLE 8 of the constitution (last paragraph only): Any member of this exchange who shall be accused of willfully violating the constitution, by-laws, or rules, or of fraudulent breach of contract, or of any proceeding inconsistent with just and equitable principles of trade, or of any other misconduct (with members or nonmembers of this exchange) may, on complaint, be summoned before the committee on membership, when, if desired, he shall be heard in his defense, and if the charge or charges against him be, in the opinion of the committee, substantiated, the complaint shall be referred to the board of directors, who may, by a vote of not less than two-thirds of the entire membership of the board, suspend or expel him from the exchange.

"ARTICLE 5 of the by-laws: The committee on membership shall have charge of all applications for membership, for visiting membership, and for powers of attorney, and of charges against members for improper conduct. And it shall be the duty of said committee to make such reports and recommendations on the subjects as they may deem for the interest of the exchange."

SUGGESTION NO. 5

The exchanges and the banks should both adopt rules requiring cotton factors to obtain notes from shippers covering all advances made and further requiring them to present these notes to the banks in applying for all loans secured by consigned cotton.

ANSWER TO SUGGESTION NO. 5

While the New Orleans factors would not object to taking notes from shippers, as suggested, they feel that it is impracticable. When would such notes mature? This would require notes for all amounts drawn against the cotton even for the freights paid, which are, of course, advances against the consignment. If a shipper sends, say, 100 bales to a factor he establishes a credit of, say, $10,000 and makes draft for his requirements accordingly. It would be as difficult and cumbersome for him to provide notes for such drafts as it would be for a man checking against a credit balance in a bank.

Under the provisions of act 66 of 1874, as amended by act 44 of 1882, it is provided that when any merchant, factor, or other person has advanced money, property, or supplies on cotton or other agricultural products, and the same has been consigned to him, the said agricultural products shall be pledged to the consignee to secure the payment of the advances so made, from the time the bill of lading is put in the possession of the carrier to be sent to the consignee, and the right of pledge shall be fully vested in the consignee, with the right to appropriate the proceeds of the sale to the payment of the amount due for such advances as may have been made, provided the factor's lien shall be subordinated to that of the lessor and laborers for wages earned in making the crop.

In addition, all merchants, factors, and others, who have a general balance of account, or any sum of money due them by any consignor or person sending them cotton or other agricultural products for sale at the port of New Orleans or any other city in the State, for the

purpose of paying such balance of account, they shall have a pledge upon all the property so consigned to them in like manner and to the same extent as is conferred upon the person advancing money in aid of growing the crop.

The pledge of cotton press receipts issued for goods of another is regulated by revised statutes of this State, section 824, reading as follows:

"If any commission merchant, agent, or other person storing or shipping any goods, wares, merchandise, grain, flour, or other produce or commodity in his own name, being in the possession thereof for or on account of another party, and negotiating, pledging, or hypothecating the cotton press receipt or bill of lading received therefor, and not accounting or paying over to his principal or owner of the property the amount so received on such negotiation, pledge, or hypothecation, shall be adjudged guilty of fraud, and upon indictment and conviction thereof shall be fined in a sum not exceeding $5,000 or imprisoned in the penitentiary of the State for a term not exceeding five years, or both."

The pledge of cotton-press receipts as collateral security is regulated by act 72, of 1876, as amended by act 176, of 1902.

Section 4 provides in substance that parties borrowing money on the faith of warehouse receipts shall file their affidavits with the pledges that such property is theirs, the pledgor's personal property, or that it is the property of some party for whom the pledgor is acting as agent, factor, or commission merchant, and that said party is justly and truly indebted unto the pledgor in an amount equal to the value of the property pledged, as specified in the warehouse receipt, for moneys paid to him, or paid by his order and for his account, by the party or consignee making the pledge.

The act provides further that the cashier of any bank is authorized to administer the oath, and any deviation therefrom shall render the party liable for the value of the property, or any excess over and above the amount for which it may have been pledged, and to prosecution for perjury and also for obtaining money under false pretenses. It is provided, however, that the failure or omission of the borrower or pledgor to make the affidavit shall in no manner affect the validity of the pledge in all cases where the pledgor at the time of making the pledge was the owner of the property mentioned, or at the time had any lien or privilege on the property mentioned in the receipt, the intent being that the pledge of the receipt shall in all cases, notwithstanding the absence of the affidavit, be valid to the extent of the interest or title which the pledgor had in the property at the time the pledge was given.

The uniform warehouse receipts act, adopted in this State as act 221, of 1908, under section 55, provides as follows:

"Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value, with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding $1,000."

SUGGESTION NO. 6

That cotton shippers instead of consigning cotton to the factor without reservation should consign either to themselves or to the factor as agent for themselves. If this were done, persons with whom the bill of lading is negotiated will be on notice that the factor is acting as the agent of the shipper. Banks and cotton exchanges would be performing a real service if they helped to bring this about.

ANSWER TO SUGGESTION NO. 6

This would cause accrual of charges and cause delays in deliveries by railroads against consignments being handled promptly, and we think therefore unnecessary, inasmuch as the cotton in question would have to be put in the hands of a factor for handling and sale after being received.

SUGGESTION NO. 7

The block receipt for a number of bales of cotton should be abolished and the single bale warehouse receipt adopted in its stead. This form of receipt has been in use successfully at Memphis and also at New Orleans. All the exchanges should adopt this form of warehouse receipt. The banks are in a position to compel its adoption by refusing loans based on block receipts. Each single bale receipt should be required to show the weight of the cotton and, at least in the case of consigned cotton, the grade.

ANSWER TO SUGGESTION NO. 7

The individual receipt exclusively is used in New Orleans, which shows the weight of each bale, and for a small fee the grade and staple can be obtained from either the New Orleans Cotton Exchange or the Government Board of Cotton Examiners.

SUGGESTION NO. 8

The banks should require that all receipts pledged as collateral and released on a trust receipt be indorsed on the back to that effect, and the exchanges should adopt rules requiring that all receipts carry on the back a form of statement adapted to such an indorsement. This would serve to prevent receipts being pledged more than once.

ANSWER TO SUGGESTION NO. 8

This is practically now being done by the New Orleans banks.

SUGGESTION NO. 9

The exchanges and banks should adopt rules requiring that all shipments of consigned cotton be stored in a Federal licensed warehouse or a Federal licensed section of a warehouse, and the banks should refuse to loan on consigned cotton unless so stored.

ANSWER TO SUGGESTION NO. 9

With two exceptions, all warehouses operating in this city are operated under the Federal warehouse act, and all are licensed by the New Orleans Cotton Exchange.

SUGGESTION NO. 10

The exchanges or the banks or both of them should adopt one of the following plans:

(a) Guaranty by a surety company of the weight and character of the cotton supporting each receipt.

(b) A custodian system for warehouses under the supervision of the exchange, or the banks, or both, providing for the signing of receipts by the custodian and inspection of warehouses and actual counting of bales.

ANSWER TO SUGGESTION NO. 10

(a) We feel this is unnecessary, and in connection therewith see our answer to suggestion No. 7.

(b) We feel this is unnecessary, and in connection therewith see our answer to suggestion No. 9.

SUGGESTION NO. 11

The uniform receipts act, which is in effect in seven of the cotton States and Virginia, should be adopted by all the cotton States. One provision of this act requires that if a receipt is issued for goods of which the warehouse man is owner, either solely or in common with others, the extent of his equity must be indicated on the receipt. Violations of this provision of the act should be made punishable by a heavy fine or imprisonment, or both.

ANSWER TO SUGGESTION NO. 11

The uniform warehouse act was adopted in Louisiana by act 221 of the Louisiana Legislature of 1908.

SECOND SUGGESTION 1

Making it a criminal offense for consignees in the course of interstate or foreign commerce (a) to sell the shipper's cotton to themselves without his express consent; (b) to fail to return or to credit to the shipper within a specified time after the sale is made the full amount of the sales price, less proper deductions, such as commission fee, charges for storage, interest, and insurance.

ANSWER TO SECOND SUGGESTION 1

(a) See our answer to first suggestion 1.

(b) See our answer to first suggestion 2.

SECOND SUGGESTION 2

Requiring consignees to obtain from shippers notes covering the amounts of all advances on cotton shipped or to be sold or shipped in interstate or foreign commerce.

ANSWER TO SECOND SUGGESTION 2

See our answer to first suggestion 5.

SECOND SUGGESTION 3

Requiring all cotton warehouses licensed under the Federal warehouse act to use uniform single bale receipts with a form on the reverse side, which, when filled out, will show that the receipt in question has been pledged and is released under a trust receipt.

ANSWER TO SECOND SUGGESTION 3

See our answer to first suggestion 7 and first suggestion 2.

SECOND SUGGESTION 4

Requiring all shipments of consigned cotton in the course of interstate and foreign commerce to be stored in a Federal licensed warehouse or Federal licensed section of a warehouse. Warehouses licensed either in whole or in part under the Federal warehouse act are so numerous and widely distributed that such a requirement is not onerous.

ANSWER TO SECOND SUGGESTION 4

See our answer to first suggestion 9.

PERSONAL PRIVILEGE

Mr. CONNALLY of Texas. Mr. Speaker, I rise on a matter affecting the personal privilege of Members of the House.

The SPEAKER. The gentleman means about dividing the amendment?

Mr. CONNALLY of Texas. No; to instruct the conferees on the postal bill. I will wait, however, the convenience of the Chair.

NATIONAL DISABLED SOLDIERS LEAGUE (INC.)

Mr. UNDERHILL. Mr. Speaker, I present a privileged report from the Committee on Accounts on H. Res. 419.

The SPEAKER. The gentleman from Massachusetts presents a privileged report from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House Resolution 419

Resolved, That the select committee created by House Resolution No. 412 and authorized and directed to investigate the National Disabled Soldiers' League (Inc.), its methods of solicitation of funds, etc., is hereby authorized to incur necessary expenses, not exceeding $5,000, including clerical and stenographic services, which shall be paid out of the contingent fund of the House, upon vouchers countersigned by the chairman thereof, with the approval of the Committee on Accounts.

With a committee amendment, as follows:

Line 6, strike out the figures "$5,000" and insert in lieu thereof the figures "$1,000."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. BLANTON. Mr. Speaker, I want to be heard a moment on this resolution.

Mr. UNDERHILL. Mr. Speaker, this is a resolution reported by the Committee on Accounts, following the favorable action of the House a week or so ago, as to the appointment of a select committee to investigate the alleged frauds of the National Disabled Soldiers' League. Members will recollect that I opposed the adoption of that resolution as useless, but the House overrode my contention; the committee was appointed and has begun to function.

Now, the witnesses are here in Washington. The longer we hold them here the more expense will be entailed. The Committee on Accounts has had two meetings on this appropriation; and although the chairman of the special committee asked for $5,000, our committee thought they could start at least on $1,000 and hope they could conclude with $1,000. If the House wants to reduce it, that is a matter for the House to entertain.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. CRAMTON. As I understand, it is the expectation under this resolution that there will be no money to retain attorneys to conduct the investigation?

Mr. UNDERHILL. My experience has shown me that that generally follows.

Mr. CRAMTON. It is my understanding that the committee now carrying on a very important aircraft investigation is carrying on that investigation very ably without hiring expensive lawyers, using its own membership; and it does seem to me that this minor investigating committee might be able to handle it without hiring lawyers. I am afraid that the statement the gentleman has just made, that this $1,000 is intended for the beginning, opens the doors to an unlimited expense of hiring lawyers.

Mr. UNDERHILL. I will say to the gentleman I have opposed the hiring of lawyers by this and other committees and suggested that the members of this particular committee, several of them being able lawyers, might act as counsel and legal adviser for the committee; but I was told that it would require at least one attorney at $300 to look up some matters in connection with the investigation; I do not know what it is.

Mr. BANKHEAD. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BANKHEAD. The gentleman just made the statement that he understood it was always the practice of these select committees to employ counsel. That is certainly an error with reference to the select committee on the Shipping Board inquiry, as we felt we could get along without counsel.

Mr. UNDERHILL. I want to apologize and revise my statement regarding the Shipping Board investigation and also regarding the aircraft investigation. During my service as a member of the Committee on Accounts those are the only two committees, however, that have not asked for large sums for attorneys' fees.

Mr. CRAMTON. Will the gentleman yield for a further question?

Mr. UNDERHILL. Yes.

Mr. CRAMTON. One further question in order to make the matter somewhat definite. What is the understanding, if any, of the Committee on Accounts as to this particular select committee with reference to the expenditure of money to engage counsel?

Mr. UNDERHILL. As I understand it, the function of the Committee on Accounts is to provide the money that the House votes. That is, the House authorizes the appointment of a committee and then it is up to the Committee on Accounts to furnish the money. I warned the House when the resolution was under consideration that the establishment of this select committee would mean an expenditure of money all the way from $5,000 to $40,000. The House, in its wisdom, took another stand, and decided that this committee was necessary. The Committee on Accounts has absolutely no jurisdiction over the select committee as to how much money it shall spend or for what purposes it shall spend the money.

Mr. DYER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. DYER. What does the gentleman expect this committee to accomplish through its investigations, if anything?

Mr. UNDERHILL. I told the House a week or 10 days ago that it would not accomplish anything more than the Post Office Department and the Department of Justice would or could bring about under existing law.

Mr. DYER. It is a matter which belongs to another department of the Government, and that department should handle the matter if they want to get any results.

Mr. WINGO. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WINGO. It has accomplished this much, if the newspaper reports are correct: It has confused the very proper investigation now being made by the grand jury, the proper tribunal to look into this matter.

Mr. UNDERHILL. Well, I am sure no blame can be attached to the gentleman from Massachusetts.

Mr. WINGO. I know, and I am not blaming the gentleman. I suspect that he, like myself, recognized that this was not necessary, and that the matter ought to have been left to the Department of Justice, because we now have ample law to punish every offense which was cited here as a basis for the establishment of this committee. It turns out now that whenever they undertake to investigate they find the witnesses saying they can not give testimony because the Department of Justice has it or the grand jury is calling for them. Does not the gentleman from Massachusetts think we ought to stop this thing right now and not provide any money?

Mr. UNDERHILL. We should have stopped it a week or more ago when the matter was presented to the House.

Mr. WINGO. I agree with the gentleman.

Mr. BLANTON. Will the gentleman yield me five minutes?

Mr. UNDERHILL. Mr. Speaker, I yield five minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, this organization, known as the National Disabled Soldiers' League (Inc.), which the gentleman now wants to spend money to investigate, has not fooled anybody. It sent out a pencil that was worth about 10 cents to various people and asked them to please send them $1 to use for their organization in aiding disabled soldiers. If that was a violation of the law we have already ample machinery of Government to handle it now. If they are properly expending the collections, it is no violation of the law, and if they are misappropriating it, it is a violation of the law now, without a committee investigation. It did not fool anybody. The gentleman from Tennessee [Mr. GARRETT] threw it in the wastebasket; the gentleman from Arkansas [Mr. WINGO] threw it in the wastebasket; and others here threw it in the wastebasket. Nobody was fooled. Those who remitted took chances, and do so with their eyes open.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BLANTON. Yes; certainly.

Mr. BLACK of Texas. The gentleman says it has not fooled anybody, but I want to say to the gentleman that we had testimony this morning to the effect that from one set of letters sent out $59,000 was deposited in the Corn Exchange National Bank of New York City.

Mr. BLANTON. Well, suppose it was. This is an organization for disabled soldiers and sailors. It is possible that they have properly spent the money. If they have violated the law; if they have made false pretenses through the mail and have wrongfully collected money which they have not used properly, we now have ample law and ample court and grand-jury machinery to punish them.

But we must have a special select committee, and that special select committee must spend the people's money, and it is intending to employ a man as a lawyer, I am informed, and pay him $300. That has been virtually admitted here on the floor. The chairman of that select committee has been the attorney

general of his State; he is a prominent lawyer, and he is an able attorney. Why can not he do the legal work for his special select committee without spending more public money for it?

There ought to be a time when these wasteful special committees shall stop. I want to say that I have been here for eight years, and I do not know of one good thing yet that has ever come from one of them. They have spent money up into the hundreds of thousands of dollars and they have not benefited the taxpayers one cent.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. Is it not a fact that a lot of these fellows who are seeking these investigations and promoting them are being employed in connection with the investigations?

Mr. BLANTON. Oh, yes; that is a fact. Where are you going to stop on this matter of creating special select committees and commissions? You are now being asked to provide $1,000 toward the expenses of this particular select committee, and the gentleman from Massachusetts [Mr. UNDERHILL] intimated that eventually it may cost $5,000 or it may cost $40,000. Gentlemen, I am for voting to stop it right now. I shall oppose the creation of all additional special committees and commissions. I am for Coolidge's program of economy in action and not merely in words [applause], and the time to stop this continuous waste is right now by voting down this resolution and not letting it pass and keeping this money in the Treasury. Why, the committee headed by the gentleman from South Dakota [Mr. JOHNSON], who is the father of the resolution that created this special committee, has already spent $6,976.72 on investigations and is continuing spending the funds of the people.

Now, your Republican steering committee can sit here and let this pass if they want to do it, and then they can go down to the White House breakfast to-morrow and explain it to your so-called economy President if they can.

Now, let me again repeat what some of the other special committees have spent. The committee now investigating Judge Baker has spent $1,600; the committee investigating alleged Indian frauds has already spent on the matter now pending before it $5,000; the special committee on bonds has already spent $7,000; the special committee on the Shipping Board has already spent $14,000; the special committee on aircraft has already spent $18,000; and I happen to remember what some of the other special committees spent. I can not forget that the Graham committee, for which most of you Members voted, spent $151,000; that the Joe Walsh committee, that went to the Pacific coast—and the gentleman under this resolution could go there if he wanted to if you should vote this money—the Joe Walsh committee went there on a special train and lived on a special train on the Pacific coast, and they spent $40,000; the Anderson committee spent $42,000; and I could mention others leading up as high as the special coal commission that spent $600,000. Where is it all going to end?

We already have the information sought by this resolution; we already have the law; every State in this Nation, 48 of them, now has laws against procuring money under false pretenses, and offenders could be prosecuted under the State law. We have Federal laws sufficient to prevent the use of the United States mails for fraudulent purposes.

The gentleman said the mails are being used by this organization. If they are being used fraudulently, they can be put in the penitentiary under the present law.

I am just as good a friend of the service man as my friend the gentleman from South Dakota [Mr. JOHNSON]. I am working for them constantly. They call on me from every part of the country to help get their claims adjudicated. I do not turn them down.

I keep my office busy submitting their claims to the Veterans' Bureau all the time for adjudication, and I am doing everything I can to help them; but I am not willing to continue to spend thousands of dollars on these special committees.

Mr. Speaker, in conclusion let me state that during the remaining few days of this Congress there will be several of these resolutions to spend sums of money out of the contingent fund of the House, and my colleagues, if they want to protect the public Treasury, ought to stand on guard and vote each and every one of them down. I hope that this one will be voted down.

Mr. UNDERHILL. Mr. Speaker, this question is not entirely as the gentleman from Texas [Mr. BLANTON] has presented it. There is no one individual to blame. The gentleman from New York [Mr. FISH] is not to blame and the gentleman from Massachusetts is not to blame. The House is to blame. The House had all the information that the gentleman has presented in the last five minutes. It had all that information and considerable more, and with that knowledge and over my protest it went ahead and authorized the appointment of this special committee. This committee in good faith has gone ahead and has expended some money. It is not right that the chairman or those who have contracted for this expenditure should have to put their hands in their pockets and pay it. The House authorized the dance; now it must pay the fiddler.

Mr. CELLER. Will the gentleman yield for a question at that point, please?

Mr. UNDERHILL. Yes.

Mr. CELLER. Did not the chairman hire an attorney before he knew he could get the money?

Mr. UNDERHILL. No; I do not think he did. The facts of the matter are these: These select committees, the minute the House goes on record as in sympathy with their request for a special investigation, begin to expend money, and that is all there is to it. I am not in sympathy with it and perhaps am not the best advocate of this proposition. I will allow the gentleman from New York, who heads the committee, to make whatever explanation he wishes, and then I shall move the previous question.

Mr. FISH. Mr. Speaker, on behalf of the select committee, I desire to inform the House, notwithstanding the statements that have been made, that the committee has not employed a lawyer at a salary. We have a lawyer from one of the departments of the Government and, unfortunately, we will not be able, under the law, to give him any money whatever. Maj. Randolph C. Shaw has been detailed by a department of the Government to assist the committee and is rendering exceedingly able and valuable service to our investigating committee. We will need all the $1,000 to take care of the witnesses that have been subpœnaed and $250 for copies of the testimony taken by private stenographers in the fraud order hearing before the Post Office Department. It is very doubtful whether we will be able to show any balance. We may be able to get through on $1,000, and I hope so.

I want to add to the statement made by the gentleman from Texas [Mr. BLACK], showing that some people at least were fooled by this pencil-selling campaign. Testimony will be produced to-morrow showing that in another bank, besides the one referred to by the gentleman, $129,000 was deposited as a result of this pencil-selling campaign, which shows that at least a very large number of people in this country were deceived by the National Disabled Soldiers' League (Inc.), and contributed money for soldier relief, practically none of which has gone for that purpose.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. FISH. Yes.

Mr. BLACK of Texas. It was testified by one of the witnesses in the hearing to-day that at a supposed convention held by this organization in Boston, people were engaged locally and paid $10 to attend the supposed convention as delegates representing States other than where they resided, and also that something like 200,000 letters with pencils were sent out on behalf of this organization by one mailing concern alone in the city of New York.

Mr. FISH. To show the magnitude of the operations of the National Disabled Soldiers' League (Inc.), approximately 1,000,000 letters have been sent out to business men throughout this country accompanied by lead pencils, soliciting funds for relief of the disabled and at the same time undermining the work of Congress for the disabled veterans and breaking down the faith of the public in the Veterans' Bureau. It has been developed that this league, under investigation, has collected a vast amount of money and has already paid to the pencil companies $142,000.

Mr. CRAMTON. Will the gentleman yield?

Mr. FISH. Yes.

Mr. CRAMTON. Is it the expectation of the gentleman that he will be able to keep within the $1,000?

Mr. FISH. It is.

Mr. WINGO. Will the gentleman yield?

Mr. FISH. I yield to the gentleman.

Mr. WINGO. Suppose all that the committee has found out is true and suppose they are willfully slandering Congress and trying to destroy public confidence, does the gentleman intend to bring in a bill making it a criminal offense to misrepresent Congress in that way?

Mr. FISH. We intend to bring in remedial legislation which we hope will make it impossible for organizations such as this to continue such fraudulent campaigns.

Mr. WINGO. We already have a law against fraud, and you would not get this House, I am sure, to vote for a bill to punish everybody that criticized Congress.

Mr. FISH. But we intend to recommend legislation that will require organizations such as this to file their accounts every six months and also propose other provisions that will protect the public. That is the first duty of Congress, and one of equal importance is to protect itself against wholesale misrepresentation.

Mr. WINGO. Can not the grand juries and the courts protect the public now?

Mr. FISH. I think I have answered the gentleman. The grand jury has already begun an investigation.

Mr. LOZIER. Will the gentleman yield?

Mr. FISH. Yes.

Mr. LOZIER. Is there a single fact that this committee has developed or can develop or will develop that could not be developed by a grand-jury investigation of this alleged fraudulent organization?

Mr. FISH. If the gentleman wants to find out, I invite the gentleman to appear before the committee to-morrow morning and the gentleman can determine for himself. I am of the firm opinion that our investigation will be very helpful to the grand-jury proceedings in the District of Columbia.

Mr. LOZIER. Then the gentleman can not answer the question now?

Mr. CELLER. Will the gentleman yield for a question?

Mr. FISH. I yield.

Mr. CELLER. Is not the Post Office Department at the present time investigating the activities of this organization?

Mr. FISH. No; the Post Office Department has just completed a fraud-order hearing and they have not determined what action they will take on the fraud order.

Mr. CELLER. Has the Post Office Department denied this organization the use of the mails?

Mr. FISH. I repeat, the Post Office Department has just completed the fraud-order hearings and they have not determined what action they will take.

Mr. CELLER. If they deny this organization the use of the mails, will not that cripple the organization?

Mr. FISH. I hope it will, but it will not solve the problem for the future regarding these alleged fake organizations branding the disabled American soldiers as beggars and collecting money from a sympathetic public under false pretenses.

Mr. UNDERHILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The amendment was again reported by the Clerk.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 178, noes 5.

So the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 128 ayes, and 29 noes.

So the resolution was agreed to.

OVERTIME IN THE IMMIGRATION SERVICE

Mr. RAKER. Mr. Speaker, I ask unanimous consent to have four days in which to file minority views on the bill H. R. 12246.

The SPEAKER. The gentleman from California asks unanimous consent that he may have four days in which to file minority views on H. R. 12246. Is there objection?

Mr. CRAMTON. Reserving the right to object, what is the bill? Will it hold up consideration of the bill?

Mr. RAKER. It will not hold up consideration of the bill.

The bill is H. R. 12246, providing for the payment of extra compensation to immigrant inspectors and other immigration employees for overtime work.

The SPEAKER. Is there objection?

There was no objection.

THE NAVY AT 100 PER CENT EFFICIENCY

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, on H. R. 7072, to promote the efficiency of the Navy by doing justice to warrant officers.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, it is manifest that those of us who have sincerely hoped to obtain action at this session of Congress on H. R. 7072 must be disappointed. That bill seeks to improve the efficiency of the Navy by improving the personnel of a very material element of the Navy. It is intended to remove the handicap and hardship imposed upon the commissioned warrant officers of the Navy by the joint service pay act of June 10, 1922, in which the rights and interests of this class of the service seems to have been overlooked. The result is, under the said act of June 10, 1922, actually to discourage study effort and individual initiative of enlisted men to become warrant officers and thereafter to become commissioned warrant officers, because when a warrant officer is commissioned, his longevity pay is based, not upon the length of his service in the Navy, but upon the length of his commissioned service. Therefore, while it usually takes about 17 years continuous, faithful, and efficient service and study by an enlisted man to be able to pass the examination conducted by his superiors, and to be commissioned as an ensign, when he does receive his commission, he is treated in the joint service pay act of June 10, 1922, as if he had just graduated at the Naval Academy at Annapolis at about the age of 22 years; when in fact he is about 35 years old, and has been working hard with low pay and under severe discipline for 17 years.

Mr. Speaker, the American Navy and the American Army ought to reflect in some way the spirit and ideals of American institutions. When our fathers established this Republic it was upon the maxim that "all men are created equal and endowed by their Creator with certain inalienable rights; among which are life, liberty, and the pursuit of happiness." Of course, our fathers did not intend to say that all men are equal in ability, or strength, or efficiency, or capacity. But they did mean, and it is our duty to administer American institutions in that spirit, that under the law all should be treated alike and that so far as possible in our economic system, there should be equality of opportunity. It has been the glory of America that men by the thousands have risen from poverty, and illiteracy, and humblest of homes to stations of great power, and influence, and honor in all the professions, and in all lines of business, and in every department of governmental activity. It is our duty to keep the avenues of ambition open, and to stimulate the mainspring of individual enterprise, and to permit opportunity for character, ability, and capacity to receive their proper reward both financially and officially.

Therefore, Mr. Speaker, I became deeply interested when the hearings were progressing upon the merits of H. R. 7072 introduced by Representative CURRY, of California. It was disclosed that there is not a captain in the Navy who is not a graduate of the Annapolis Academy. It was disclosed that the graduates of said academy, under the system prevailing, are the beneficiaries of promotions in rank and advancement in pay out of proportion to the treatment received by the enlisted men. It was admitted by all the witnesses representing the Navy Department, and will appeal to any man of common sense and experience as self-evident that the Navy must have not only an intelligent and ambitious enlisted personnel, but it must have as an essential and indispensable factor in its efficiency, an ambitious and intelligent warrant officer personnel. In order that we may have an efficient Navy the human element in it must be induced to stay in the Navy as a life business just as graduates of Annapolis regard it. There must be some inducement held out to enlisted men to reenlist at the expiration of their terms. These inducements must be both financial and official. There must be inducements for enlisted men to behave themselves, to study, to be attentive to their duties, and to conduct themselves with courtesy in order that they may apply for and be worthy of positions as warrant officers. In like manner this same stimulus must continue to operate upon the minds and hearts of warrant officers in order that they may study and be attentive to duty so that they may pass their examinations and be finally commissioned as full officers of the Navy. These incentives to effort and ambition are now lacking, due to the fact that the enlisted men say, "Why become warrant officers unless we may thereby be promoted to commissioned officers, and why become commissioned officers if we are to receive less salary than we did receive as warrant officers, and if our longevity pay is not to take into consideration all the long tedious years of service and study that we gave the Navy and received very low pay?"

Mr. Speaker, the Secretary of the Navy in his 1924 report touches indirectly upon this very proposition when he admits that the accidents by way of explosions and loss of vessels have been due to "the constantly changing personnel." He says distinctly, "The old seafaring man has largely disappeared from our Navy." I ask, "Why has he disappeared, and why has the personnel changed so constantly?" These accidents have cost us dearly in human lives and thousands upon thousands in property. The reason is not far to seek. Young men

are induced by attractive pictures and alluring promises by recruiting officers to go into the Navy, and after they get in they find that what every American young man seeks for and hopes for, to wit, a chance to rise, is forever closed ahead of them. Therefore, they leave the Navy at the earliest opportunity, and their places are taken by others who have been allured by the same promises and soon find themselves disillusioned and quit the Navy at the earliest opportunity. In this connection, Mr. Speaker, I wish to quote from the remarks before the Military Affairs Committee of Mr. Padgett, who was formerly a commissioned warrant officer in the Navy and resigned and is now a successful business man. His statement of the case leaves little else for me to say:

Mr. PADGETT. Mr. Chairman, if I may be indulged a moment, let me try to state the general reason back of my views on this bill. To have an efficient Navy, there must be an inducement for men to make service in the Navy a life business. That inducement exists as to the officers who are commissioned on graduation from Annapolis, because there is a gradual increase in compensation as time passes and a gradual rise in rank, with the final prospects of retirement, whether from length of service or disability, at liberal terms based on three-fourths of the pay of the highest pay period to which the officers respectively attain. But we must also have an efficient enlisted personnel, and especially an efficient personnel for the warrant officers and commissioned warrant officers. There must be sufficient inducement for the enlisted man to stay in the Navy, to acquire, by experience and study and training, the knowledge and skill to become a warrant officer, and requires an average of 10½ years. By that time the enlisted man is nearly 30 years old, and according to the law of nature is entitled to be married and have a family coming on. Having received a warrant, there should be a stimulus to his ambition to make a highly effective warrant officer so that he may at the expiration of a minimum of six years' service as warrant officer be promoted in rank and authority; but here the principle of increase of pay with increased rank and authority and duty breaks down, and except for a proviso in the pay bill that by accepting a commission his pay shall not be reduced, he would be penalized for advancement, and he certainly must continue for nine years more as a commissioned warrant officer before he receives increased compensation. By that time he is about 45 years old. So that at the age of 45, just when his children are about to leave high school and enter college, he is still receiving the pay of a warrant officer without increase for about the last 12 years. At the end of 19 years more, before retirement, and before he shall ever have reached the high-pay period, which is effective only after 30 years of commissioned service, he having been commissioned only about 28 years.

Again, Mr. Speaker, I desire to call attention to the fact that this matter is attracting the interest of the country. People are beginning to ask what is the matter with the Navy; why is it that there are more deaths in the Navy in peace time than there were during the war; and why is there so much dissatisfaction amongst the enlisted personnel; why is there wrangling and contention from top to bottom? In this connection, I call the attention of the House to an article manifestly of editorial origin, appearing in the Washington Herald of February 18, 1925, from which I extract a few lines, as follows:

In connection with these accidents, the report relates that "the old seafaring man is disappearing from our Navy." It complains that there are too many inexperienced officers. "There are now 4,785 commissioned officers of the line and of this number 2,143, almost one-half, are ensigns and junior grade lieutenants, officers of limited sea experience." Such a shortage of officers of sea experience is pointed to as the outstanding deficiency of the Battle Fleet. The only remedy suggested for the situation is to increase the corps of midshipmen at Annapolis. There should be such an increase; it may be conceded also that the academy commissioned personnel constitutes the basic framework of the naval structure. But they are only a part of the structure which can not be maintained in maximum fighting efficiency as long as other important parts of the personnel are neglected.

An essential part—the practical seamen part—of the commissioned personnel is being neglected. This appears conceded. The Secretary points out as another outstanding fleet deficiency the shortage of commissioned warrant and warrant officers, and says that it is only by a "concerted effort throughout the whole service that the shortage has been overcome to a considerable extent." The Chief of the Bureau of Navigation has pointed out the deficiency and practically conceded it resulted from discrimination against this type of officer.

Mr. Speaker, there is another respect in which I believe the Navy may be improved by arousing ambition among its enlisted personnel. It has been a maxim of many leaders in martial matters that the spirit is to the material as 3 to 1. In other words, the minds and hearts of the human element can prevail over huge preponderating material opposition.

A John Paul Jones, with small ships and small crews, can always defeat great ships with huge crews not inspired by the same spirit of resolution. I, therefore, suggest that more opportunity should be held out to the enlisted men for their promotion. The number of enlisted men who may be annually appointed as midshipmen in the Naval Academy should be increased from 100 to 200, and the age limit of admission should be raised from 20 years on April 1, prior to admission on July 1, to 22 years on the date of admission. The maximum age for admission to West Point Military Academy is 22 years on the date of entrance. Surely the Navy and its champions will not admit that preparation for the Army requires greater maturity of manhood and mental power.

In this connection, Mr. Speaker, I am reminded I have seen in many places over the country beautiful and attractive pictures posted in railway stations, and the lobbies of post offices, and in other public places, representing a group of handsome, well-dressed and well-groomed young men in the uniform of midshipmen and underneath is this alluring statement: "These are our future admirals of the Navy," or words to that effect. This is followed by the statement that enlisted men in the Navy may obtain admission to the Naval Academy and be dressed as are the young men in the picture, and graduated as ensigns, and be entitled to all the official, social, and financial rewards of that position. I know personally one young man who was deceived by this advertisement and the enlisting officer, and induced to enlist in the hope of entering the academy. He had already graduated from one of the most thorough literary colleges in our part of the country. He had long cherished an ambition to attend and graduate at the Naval Academy, but had never been able to secure an appointment. He was told by the representative of the Navy at the recruiting station that with his education he should be able to obtain easily one of the 100 appointments. Accordingly, he enlisted and soon thereafter made application for the examination and discovered to his amazement and chagrin that the doors had been closed to him for practically 2 years because he was nearly 22 years old. Nothing remained for him to do but to seek his discharge. Otherwise the Navy held no attractions for him. The long tedious grind to become a warrant officer and thereafter with six years more service to become a commissioned officer without adequate compensation and with a perpetual line of demarcation and discrimination in treatment and in uniform between the officer who graduated at Annapolis and himself as a commissioned warrant officer, constrained him to abandon the dreams and ideals of his young manhood, which had been to serve his country as an officer in his country's Navy. There should certainly be no opposition to a change in the law raising the maximum entrance age to 22 years.

But with the age limit raised to 22 years, graduates of colleges and universities could—and as in the case of West Point would—enlist in the Navy, and then seek to be designated to the academy, and if successful would become ideal officers, because they would have deliberately chosen the Navy as a life work after becoming sufficiently mature to decide intelligently.

I. THE BILL FOR WHICH THE OFFICERS SEEKING JUSTICE ASK SUPPORT

H. R. 7072 was introduced February 18, 1924, by Representative CHARLES F. CURRY, of California, and referred to the Committee on Military Affairs (Representative MCKENZIE, of Illinois, chairman), the committee having jurisdiction of all matters amending the so-called joint service pay act of June 10, 1922, readjusting and making uniform the pay and allowances of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service. Hearings were held on it March 18, 1924, and subsequent days. Appearances on behalf of the commissioned and chief warrant officers, to whom the bill is designed to give relief: Representative CURRY; Mr. Kenneth M. Smith, president of the Warrant and Commissioned Warrant Officers' Association; and others of the association. For the Navy Department: Commander C. M. Austin.

II. PURPOSE OF THE BILL

1. To repeal the express discrimination made against this group of officers by the joint service pay act, which, while increasing the pay of all other officers, reduced the pay of this group and destroyed their status.

2. Restore to them the status and rights of pay which had long been theirs.

III. WHO ARE THE OFFICERS WHO WERE THUS DISCRIMINATED AGAINST?

1. They are the commissioned officers who have worked up from the ranks through the grade of warrant officer to commissions; and, in addition, the warrant officers themselves, who

have worked up from the ranks and from which grade alone those who achieve commissions must come.

2. They are the "practical-seamen" element in the official personnel of the Navy, as distinguished from the academically educated line officers of the Navy.

3. They number 1,396, and represent 17.2 per cent of the entire officer personnel.

4. Their titles, which are ancient and signify little or nothing of their actual duties, are (1) chief boatswains, (2) chief gunners, (3) chief machinists, (4) chief carpenters, (5) chief pharmacists, and (6) pay clerks.

IV. THEIR DUTIES: THEY ARE THE PRACTICAL SEAMEN AND SPECIALISTS OF THE ENTIRE NAVY

The duties of this class of officers are officially described, in brief, as follows:

Chief boatswains and boatswains: They must be practical seamen, be familiar with handling boats under oars and sails, handling boats in surf, lowering and hoisting boats in surf, care and preservation of boats and equipment, understand cutting and fitting rigging, securing and transporting anchors, and the working of cables with modern appliances. He is in charge of the rigging and gear of the ship, and does the duties of many officers, such as lieutenant (junior grade) and lieutenant, and frequently commands mine sweepers and smaller naval craft. They have all the duties of the seaman branch to perform.

Chief gunners and gunners: They must understand the construction, dismounting, and assembling all guns, remedying defects and protecting modern rifles, cannon, rapid-fire machine guns, magazine rifles, and other small arms; the construction, adjustment, care, and preservation of mines and torpedoes; fitting magazine shell rooms, storing and protecting batteries, protection of ordnance stores and the handling and securing of guns. They must be competent electricians, conversant with the designing, construction, assembling, and disassembling of all electrical apparatus on board ship. They must be familiar with the interior communication system, power and light systems, and all electrically operated ordnance equipment. They must be competent radio men, familiar with the construction, care, and management of motors, storage batteries, and other radio apparatus.

Chief machinists and machinists: They are assistants to the senior engineer officer on board ship, must be familiar with the types of engines and boilers used in the Navy, their operation, adjustment, preservation and precautions to be taken with them, familiar with the characteristics of engineering materials, and with the care and operation of the auxiliaries. They must be able to command the engineer division and be familiar with modern machine-shop practice in the repair of engines, boilers, and so forth.

Chief carpenters and carpenters: They are assistants to the first lieutenant on board ship. They must be good mechanics, with general knowledge of practical shipbuilding in steel, iron, and wood; must understand the care and preservation of ships, their equipment and fittings, the care of stores, and the ability to keep accounts of such stores.

Chief pharmacists and pharmacists: They are assistants to the senior medical officer on board ship and elsewhere. They must be familiar with the clerical duties pertaining to the medical department and management of sick bays and wards, familiar with the current pharmacopœia, more particularly its formulas and materia medica; sufficiently familiar with chemistry to make qualitative analysis, quantitative estimates, and a knowledge of minor operations. They must be familiar with commissary duty at hospitals, with ability to inspect foods and to determine their qualities and means of preserving them.

Chief pay clerks and pay clerks: They are assistants to the senior supply officer; must be familiar with the financial section of the supply department, including preparation of pay rolls, accounts, and returns; the administration of the general stores section of the supply department, including the requisition, receiving, custody, care, and accounting for all supplies. They must be familiar with the administration of the general mess and the ship stores.

V. THE STATUS OF THIS GROUP OF OFFICERS AS IT HAD DEVELOPED FROM 1899, THROUGH ROOSEVELT'S AND DANIELS'S INFLUENCE, UP TO PASSAGE OF THE JOINT SERVICE PAY ACT, 1922

1. Largely through the influence of Roosevelt, who had been Assistant Secretary of the Navy up to the Spanish-American War, and was keenly interested in Navy personnel and morale, Congress created this commissioned grade and from time to time improved its status and increased its pay.

(a) Section 12, act of March 3, 1899 (30 Stat. 1007), enacted through Roosevelt's influence, provided that four of these warrant corps should, after 10 years' service as warrant officer, be commissioned as ensign, with, of course, the rank and pay.

(b) Act April 27, 1904 (33 Stat. 346), Roosevelt being President, Congress reduced the above requirement of 10 years' service to 6.

(c) Acts March 3, 1909 (37 Stat. 771), August 22, 1912 (37 Stat. 345), March 3, 1913 (38 Stat. 942), August 29, 1916 (39 Stat. 572), the above provisions of law requiring the commissioning of warrant officers after six years' service were intended to include all warrant corps—boatswain, gunner, machinist, carpenter, pharmacist, and pay.

(d) Act of May 13, 1908 (35 Stat. 128), put the pay and allowances of these commissioned officers on a par with all other commissioned officers by requiring their entire service to be counted by providing that—

Hereafter all commissioned officers on the active list of the Navy shall receive the same pay and allowance according to rank and length of service.

(e) The act of August 29, 1916 (39 Stat. 578), enacted largely through the influence of Josephus Daniels, Secretary of the Navy, provided for the promotion of these commissioned officers, in respect of pay and allowances, from the grade of ensign, to which they were limited by the original act of March 3, 1899, to—

(1) Lieutenant, junior grade, after 6 years' commissioned service.

(2) Lieutenant after 12 years' commissioned service.

2. So, the legislation of 24 years, sponsored by officials of the Navy, like Roosevelt and Daniels, had established for this group of commissioned officers, representing the practical-seaman type in our Navy, the following status:

(a) Ensign, for first 6 years' commissioned service.

(b) Lieutenant, junior grade, during second 6 years' commissioned service.

(c) Lieutenant, full grade, after 12 years' commissioned service. All service to be counted in determining the additional, or longevity pay.

VI. THE JOINT SERVICE PAY ACT, EFFECTIVE JULY 1, 1922, DESIGNED TO PROVIDE AN INCREASED AND UNIFORM RATE OF PAY FOR ALL OFFICERS IN THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE, INSTEAD OF INCREASING THE PAY OF THIS GROUP OF COMMISSIONED OFFICERS, "SUBMERGED" THEM, TO USE CONGRESSMAN M'KENZIE'S SUGGESTION; "DYNAMITED" THEM, TO USE MR. SMITH'S MORE GRAPHIC AND ACCURATE DESCRIPTION

1. This act was the result of a joint committee provided for in section 13, act May 18, 1920 (41 Stat. 604), to investigate and report relative to the "readjustment," that is, the increase, of the pay and allowances of officers and men of all the services.

2. The line and staff of all the services were represented before and heard by this committee, but nobody spoke for, or seemed to think of, this group of commissioned and warrant officers, promoted from the ranks, and constituting the practical seamen element.

See published "Hearings" beginning November 25, 1921.

3. This act establishes pay by a system of periods, and the period in which an officer falls depends in part upon (a) Grade, and in part upon (b) Length of service.

VII. THE JOINT SERVICE PAY ACT RETAINED AND INCREASED, THE ADVANTAGE OF COUNTING ALL SERVICE FOR EVERY SINGLE OFFICER IN ALL THE SERVICES, EXCEPTING THIS GROUP OF COMMISSIONED OFFICERS; FOR THESE OFFICERS THE ACT INSTEAD OF INCREASING THAT RIGHT TOOK AWAY THAT WHICH THEY, TOGETHER WITH ALL OTHER OFFICERS, HAD HAD FOR MORE THAN 20 YEARS

1. This discrimination resulted from the fact that there appears stuck away in an anomalous nook in the act (next to the last sentence, last paragraph, sec. 1) the following detached sentence:

Commissioned warrant officers on the active list with creditable records shall, after six years' commissioned service, receive the pay of the second period, and after 12 years' commissioned service, receive the pay of the third period.

2. This ties this group of officers down to specified pay periods, whereas the ensign, the lieutenant, junior grade, and the lieutenant, with whom for pay purposes they have always ranked and do still rank, pass on up to the higher pay periods to which their service entitles them.

3. Heretofore, and since 1908, this group of officers have gone along up in pay with the ensign, lieutenant, junior grade, and full lieutenant. Now the situation is this:

(a) An ensign graduated at Annapolis passes to the second-pay period after five years' service; one of this group must wait until he has six years.

(b) Lieutenant, junior grade, educated at Naval Academy, passes to third-pay period after 10 years' service; one of this group must wait for 12 years.

(c) But, most of all, although since 1908 one of this group has, after 12 years' service, drawn the pay and allowances of a full lieutenant of the Navy, under this act he can never, no matter how much service he has, draw the pay and allowances of that grade.

(d) Taking actual figures in the actual average case in the Navy, the difference is this:

1. One of this group, with 17 years' service, gets $2,199.

2. A lieutenant educated at public expense with like service, $5,607.

4. The joint service pay act increased the pay and allowances of all officers of the services by about 40 per cent over the pay scale as it existed since 1908; but it actually decreased the pay of this group of officers until they draw some $30 per month less than they did on the 1908 scale.

5. The absurdity is further evidenced by this: This group of officers must be promoted to commissioned warrant officers after six years' service as warrant officers; but under the joint service pay act the pay of this group of officers is lower than that of the warrant group from which they are promoted; hence promotion to a commissioned grade after six years' service as a warrant officer would result in a reduction of pay, to save which absurd situation the act followed with this saving clause:

That a commissioned warrant officer promoted from the grade of warrant officer shall suffer no reduction of pay by reason of such promotion.

Wonderful promotion that results in loss of pay!

VIII. THE PRESENT LACK OF FAIR REGARD FOR THIS GROUP OF PRACTICAL MEN—A REGARD WHICH ROOSEVELT INSPIRED AND ESTABLISHED AND DANIELS ZEALOUSLY FOSTERED—HAS PROBABLY DETRACTED FROM THE MORALE AND EFFICIENCY OF THE NAVY

1. The present Secretary in his 1924 report confesses, rather regretfully, that "The old seafaring man has largely disappeared from our Navy," adding:

The young man from the seacoast, from the office, from the farm, from the inland city, has taken his place.

Significantly, he immediately follows with this:

Some accidents and some mishaps, due to the constantly changing personnel, are inevitable. The surprising thing is that there are so few accidents, and so few accidents in which the personnel have failed either in routine or emergency.

2. The "accidents" alluded to are of such frequency and character that those interested in the morale and efficiency of the Navy should not pass them unnoticed. They are staggering losses that should be expected only as incidents of war. The following are the recent major ones, which were accompanied by many minor ones:

(a) Seven destroyers beached and wrecked on coast of California September 8, 1923, with a loss of 25 lives.

(b) Sinking of submarine *O–5* at Limon Bay, with loss of five men.

(c) Wrecking of the *Tacoma* on Blanquilla Reef January 16, 1924, with loss of her captain and three men.

(d) Turret explosion on the *Mississippi* off San Pedro, Calif., June 12, 1924, with the loss of 3 officers and 45 men.

(e) Explosion on the *Trenton*, October 20, 1924, with the loss of 1 officer and 13 men.

IX. THE PRESENT SECRETARY'S VIEWS ILL-ADVISED AND HURTFUL TO THE NAVY

1. He says all officers should come from the Naval Academy. Report, pages 4, 17, 18. Granting this may be true generally of the line officer strictly speaking, it is entirely wrong when applied to this group of officers, the necessity for whom is established by the facts:

(a) They exist in every first-class navy and are given rank as high as and higher than our own.

(b) They get the pay and allowances of their rank without discrimination in all those navies.

(c) In our own Navy, their commissioned status was a development extending from 1898 on, and was the result of the mature judgment of those in control of naval affairs for 25 years—from Roosevelt to Daniels.

(d) This commissioned group offers the only chance of promotion from the ranks; surely there should be some little chance of such promotion.

2. The Chief of the Bureau of Navigation, in his 1923 report, deprecated the fact that the service was short of this type of officers and suggested more liberal legislation "to meet the existing conditions."

3. The Chief of the Bureau of Navigation, in the hearings in 1923 on a bill similar to the present remedial one, admitted some discrimination against this group of officers, but advised that legislation be deferred until the report of "the joint departmental board convened to smooth out such discrepancies." That board has never reported.

PAY OF WARRANT AND COMMISSIONED WARRANT OFFICERS

STATEMENT OF MR. C. S. PADGETT, OF WASHINGTON, D. C.

I know myself very well that if it were not for the warrant officers in the Navy the morale of the Navy would be much lower than it is now. I believe I can also say without fear of successful contradiction that the morale of the United States Navy is quite low now, because there is a lot of dissatisfaction among the warrant officers and commissioned warrant officers. I believe that the proper way to improve the morale of the Navy is to bring about the greatest possible amount of contentment and satisfaction among the warrant officers. Now, why does this dissatisfaction exist among the warrant officers and commissioned warrant officers?

The greatest reason why the dissatisfaction exists is because the warrant officer is a full-blooded American, like most of us—he can not be a warrant officer unless he is a citizen—and he wants every avenue of development that is open to any other American placed at his disposal. He is not particularly seeking to apply himself in some capacity where he will domineer his fellow shipmates and other officers, but he wants to maintain himself on a good American standard. If he has a family, he wants to be able to send his boys and girls to school and college when they are older, if there are only one or two to send.

Mr. MCKENZIE. Do you think that he has any greater desire to do that than the man who is rendering corresponding service in the Coast Guard, the Marine Corps, or in the Army?

Mr. PADGETT. I am glad you asked that question. I think that the aspirations of the warrant officer and commissioned warrant officer in the Navy are just as great and just as complete as those of any other element of our American society; but they have to overcome a very regrettable caste system that prevails in the Navy and which tends forever to hold them down. In accepting a compromise and yielding to that particular caste system, it has put them down to where their aspirations are almost negligible.

I want to make myself a little plainer in that respect. I know that when I was in the service the question of rank and increased pay for 6 and 12 year service came up with the commissioned warrant officers. At that time, the word was inferentially sent out by the powers that be that if we did not solicit rank, which we would have gotten with the pay, we could go ahead and ask for more pay. So the question was put up to them very plainly, "Gentlemen, do you want to secure legislation for advancement to the grades of lieutenant and junior lieutenant, or do you want something that you can get, the equivalent in pay, without the rank." Well, we said at that time——

Mr. SHERWOOD. Who had authority to ask that question?

Mr. PADGETT. It was inferential, but it was made plain that we could have the pay without the rank. Without casting any reflections, I wish to inform the members of the committee that news regarding pay, rank, etc., in the Navy is disseminated on down the line. It never originates below or comes up the other way. I think you will find that that prevails in most every military service, because the little man does not have much to say about it. I can not give you the specific authority, but that is the way, I say, information came to this particular corps, or that is the way it came to them when I was in the service. We were told that if we did not seek rank, or increased rank, we could successfully hope for the pay, or the increased pay of a lieutenant junior grade and lieutenant senior grade. Well, we pocketed out pride; we said, "We can smother our pride," although we did not see why we should not be on the same basis, for instance, as corresponding officers in the British Navy. Warrant officers in the British Navy advance both in rank and pay to the grade of lieutenant commander, but that is not possible in the American Navy, a Democratic Navy or Republican Navy.

Mr. Chairman, the service of the Navy is peculiar and highly technical, and these warrant officers and commissioned warrant officers are the operative technical experts of the Navy. Their skill and knowledge acquired through many years of direct and constant contact with the intricate machinery and equipment is indispensable to a efficient Navy, and without them the transport and convoy service during the World War would have broken down. I admit that they do not have the high scientific and theoretical knowledge of Annapolis graduates, yet there are some rare exceptions where warrant officers and commissioned warrant officers have by studious application combined knowledge of theory with the knowledge of practice and are qualified all around to a high degree for their technical duties. This is demonsfrated by the fact that enlisted men have advanced from warrant officer through commissioned warrant officer to ensign, lieutenant, and commander, when their qualifications were passed upon by their superior officers after rigid competitive

examinations, and this has taken place in spite of a rather general reluctance among enlisted men to aspire to climb into the commissioned personnel, and further in spite of the limitations placed by law upon the number who may thus be promoted.

STATEMENT OF HON. CHARLES F. CURRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. CURRY. Mr. Chairman and gentlemen of the committee, warrant officers have been an integral part of the American Navy since its inception, and Congress recognized their value in 1899 by providing for their promotion to commissioned rank. Upon being commissioned these officers received the rank, pay, and allowances of ensign. In further recognition of the high character of the services of these officers Congress in the act of August 29, 1916, provided that these commissioned officers after 6 years' commissioned service should receive the pay and allowances of a lieutenant (junior grade), United States Navy, with like length of service, and after 12 years' commissioned service should receive the pay and allowances of a lieutenant, United States Navy, with like length of service.

They constitute the backbone of the American Navy, just as does the old-time sergeant constitute the backbone of the Army. They are entitled to just treatment and to a proper pay scale. I know of no sound reason why their pay should have been reduced. I know of no complaint against the character of their service as a class or as individuals.

When their pay status was being considered they were not represented by any of their own numbers to state their case. This is the first opportunity they have had to present their own case. They are entitled to do so, and I appreciate your granting them this hearing. They have arranged their case tersely, concisely, and, I believe, convincingly.

The following extract from a letter included in the hearings from Mr. J. F. Dillard, a native of Laurens County, S. C., will show how the "shoe pinches his foot":

I will be 35 years of age in August, 1924, and have served in the Navy for more than 15 years, having enlisted in January, 1909. Nine years and four months of this time was spent as an enlisted man; was appointed a temporary boatswain June, 1918, and served as executive officer of a submarine chaser for the remainder of the war. Was then appointed a boatswain with a warrant after a competitive examination; had command of a submarine chaser for two years; then executive officer of a fleet tender, serving with the fleet. Have been attached to the navy yard at Norfolk since November, 1922, as assistant to captain of yard and duty officer. Am married and have three children.

At present my pay while on shore duty is $168 per month with allowance of one ration and two rooms. My pay under the 1908 scale would have been $166.67 with the same allowance for rooms. My increase here amounts to $1.33 per month; at sea it would be $2.33 per month. As for the ration, the warrant officer was the only officer who drew this allowance previous to 1922, so it is no new allowance to him. It was granted to other officers for the first time by the joint service pay act. After promotion to chief boatswain my pay according to the pay act will be reduced to $125 per month with the same allowances that I now receive, except that the saving clause allows me to retain my present pay. I will have to serve nine years before my pay in that grade equals my present pay, although there is a small increase in the rental allowance after six years for the married officer. This appears to me to be a very doubtful promotion.

The living expenses of warrant and commissioned officers may be said to be identical. We have approximately the same uniforms to buy, the same living expenses aboard ship, and no matter if our pay was only sufficient to cover this, we would be compelled to pay it. The difference comes in what each one is able to save or allow his family for comforts and education of his children. They are the ones that suffer, and all the testimony introduced in the hearings in 1922 about the living conditions of the service people still applies to our corps, for we got no relief by the passage of the joint service pay act. That act was intended to adjust the compensation of all the service people to the increased cost of living, and the Curry bill simply seeks to perform now what the McKenzie bill failed to do in our case.

NAVY REALIZES SOMETHING IS WRONG

The report of the Chief of the Bureau of Navigation for 1923, at page 3, contains the following:

The service is very short of machinists, and the number of petty officers applying for examination for this rank was very disappointing. The impression prevails that these petty officers prefer to transfer to the Fleet Reserves when they become eligible instead of accepting appointments as warrant officers. Modification of the qualifications of those considered eligible to take the examination for warrant officers have been made to meet the existing conditions. Congress should be requested to amend the present pay laws by which men appointed from the enlisted ratings to warrant grades lose the benefit of their longevity service. They should receive the benefits of all service. At present in many cases eligible chief petty officers accepting appointments as warrant officers are reduced materially in their rates of pay, which is a very great detriment to such competent and desirable men being appointed.

ADMIRAL ADMITS THEIR CLAIMS ARE JUST

On Friday, February 2, 1923, there was a hearing before the subcommittee of the Committee on Naval Affairs of the House of Representatives on H. R. 12275. The attitude of the department was presumably expressed by their representative at that hearing, Admiral Washington, then chief of the bureau. In view of the reasons advanced, it is interesting to quote from the printed report of that hearing:

> "Admiral WASHINGTON. At the present time, at the request of the Secretary of War, there is a joint committee of representatives from the Army and Navy, Coast Guard, and other services which is considering the points at issue in this bill, and it is the hope and expectation that in the near future it will come to an agreement by which any differences may be ironed out, and any little discriminations which may appear here and there will be recommended to be taken out of the law. * * * I think it would be best to drop the consideration of this matter until this board that was requested by the Secretary of War can see where those small differences lie. Nobody's pay is really reduced by the act of 1922, because there is a provision in it which expressly so stipulated. * * * Now, at the present time, the rate of pay of chief warrant officers under the act of June 10, 1922, has been materially increased over the rates provided by the act of August 29, 1916. * * * I think that what is the real objectionable feature of the act, so far as the warrant officers are concerned, is the provision which places them in the position of starting out fresh upon being appointed chief warrant officers after July 1, 1922. * * * I think it would be well to give them credit for their prior service in the matter of pay. However, I believe that the best interests of the Navy would be served by waiting until the little differences in this act can be ironed out. Then we can have a possible adjustment, removing all the little discrepancies."

The original intention of Congress has been defeated.

On page 4215, hearings on the Senate amendments to the bill H. R. 15947, I quote the following (1916):

Mr. BUTLER. Before the the chairman goes to the next page let me ask you a question. In reading over these four paragraps I have concluded they have two objects, one is to give to these men additional pay——

Mr. ROBERTS. The men who can not get a commission.

Mr. BUTLER. And the other is to open the door further for them to obtain commissioned rank. They are the two objects?

Admiral BLUE. And give an opportunity for the ambitious man to go up and for the rest of them to look forward to getting a commission, so they will probably do better work.

Continuing, at page 4218, supra, we find the following:

Mr. ROBERTS. The first provision increases the compensation of the chief boatswain, and so on, who have had 6 years' and 12 years' service, respectively.

The CHAIRMAN. And can not take the examination?

Mr. ROBERTS. And can not take the examination without giving them any increased rank. This last proviso, however, does allow those of six years' service who can pass the examination to get an increase in rank, but not put them in line of promotion at all. In other words, you are going to have an incentive for the fellow, irrespective of age, who has fitted himself by his own application to pass this examination and get more money.

The CHAIRMAN. Not only get more money, but he can get to be called lieutenant instead of ensign.

Mr. ROBERTS. I think you need both provisions.

The CHAIRMAN. It goes back to the proposition I contended for at the beginning.

HOUSE BILL REFERRED

Under clause 2, Rule XXIV, House bill of the following title was taken from the Speaker's table and referred, with Senate amendments, to the Committee on Military Affairs:

H. R. 5084. An act to amend the national defense act, approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes.

CONSERVATION OF HELIUM GAS

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5722, known as the helium bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table, disagree to the Senate amendments, and ask for a conference, the bill of which the Clerk will read the title.

The Clerk read as follows:

H. R. 5722. An act authorizing the conservation, production, and exploitation of helium gas and mineral resources pertaining to national defense, and developing commercial aeronautics, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. FROTHINGHAM, Mr. WAINWRIGHT, and Mr. GARRETT of Texas.

VESSELS OF THE UNITED STATES NAVY STRANDED, WRECKED, ETC.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 434, privileged under the rules, reported from the Committee on Naval Affairs.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

House Resolution 434

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the House of Representatives, if not incompatible with the public interest, as follows:

1. The name, number, or designation, and tonnage of vessels of the United States Navy that have been stranded, run aground, foundered, or otherwise wrecked or damaged since January 1, 1923, together with the dates and locations where such stranding, running aground, or foundering happened.

2. How far was each ship, wrecked or damaged as hereinbefore described, out of its course?

3. The name and rank of the officer in command of each ship and a record of each of such officer's previous shore duties within five years of the date preceding the wrecking or damaging of the ship under his command.

4. The previous experience and record of each officer commanding said ships, length of service, and time spent by him afloat.

5. The cost of each vessel wrecked during the period hereinabove stated and the extent of damages to such vessels not totally wrecked.

The SPEAKER. Is the gentleman authorized by the committee to call it up?

Mr. LAGUARDIA. This is a privileged resolution, and I notified the chairman that I was going to bring it up to-day.

The SPEAKER. Somebody has to be authorized by the committee to bring it up.

Mr. BUTLER. Did the Chair address me?

The SPEAKER. The Chair asked the gentleman from New York if he was authorized by the committee to call up the resolution.

Mr. BUTLER. I do not know; I was not present when it was reported.

Mr. LAGUARDIA. The gentleman will remember that I talked with him yesterday?

Mr. BUTLER. Yes; I talk with the gentleman every day and am glad to do it. [Laughter.] But the gentleman did not say anything about being authorized to bring up the resolution.

Mr. LAGUARDIA. Mr. Speaker, I will withdraw my request and bring it up to-morrow.

EXTENSION OF REMARKS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a communication from the Progressive Party of Oregon with respect to Muscle Shoals and the electric power of this country.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. TINCHER. I object.

INSTRUCTING CONFEREES

Mr. CONNALLY of Texas. Mr. Speaker, I want to call attention to a ruling which the Chair made yesterday, and to inquire of the Speaker whether or not, in the opinion of the Chair, it will have force as a precedent hereafter in view of prior rulings in that regard. On yesterday the gentleman from Pennsylvania [Mr. GRIEST] asked unanimous consent that the postal pay and rate bill be taken from the Speaker's table; that the House disagree to the Senate amendments, and agree to the conference asked for by the Senate. I quote from page 4110 of the RECORD:

THE SPEAKER. The House could instruct the conferees. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees—

Naming them.

Thereupon a motion was made to instruct the conferees to agree to the Senate amendment which had just been disagreed to by unanimous consent of the House. What I desire to call the attention of the Chair to is that my understanding of the precedents is that the conferees when instructed, when the matter is first before the House, must be instructed before they are appointed.

The SPEAKER. There is no doubt about that.

Mr. CONNALLY of Texas. In this instance, the Chair permitted the instruction of the conferees after the appointment of the conferees.

The SPEAKER. But there was no point of order made against it. If the point of order had been made the Chair would have sustained it.

There is no question about the precedents. The Chair does not remember just what happened. But the Chair would not hold otherwise.

Mr. BLANTON. Will the gentleman yield?

Mr. CONNALLY of Texas. No; I want to finish this statement. The further point to which I direct the attention of the Chair is this: I have no interest in it, except its force as a precedent in situations of a similar character which may hereafter arise; I propound this inquiry to the Chair: The House having consented unanimously that the House disagree to the Senate amendment, there being only one, was it competent for the Chair then to immediately entertain a motion—not a request for unanimous consent—to reverse the action of the House and agree to the Senate amendment? As I recall it—and I do not profess any particular knowledge—the precedents are to the effect that the House having unanimously taken a certain action, it could not turn around and immediately undo that by merely a majority vote on motion; and, furthermore, that the House having just a moment or two before disagreed to the Senate amendment, it would not be in order even to entertain a motion, if it were otherwise in order, to reverse what the House had just done. The motion in that case would be a motion to reconsider.

The SPEAKER. The Chair would rather look the matter up. At first blush the Chair is of opinion that the first disagreement is really somewhat technical, and that then a motion to instruct the conferees is in order, but before the appointment of the conferees. The Chair is not certain about the matter.

Mr. CONNALLY of Texas. May I call the attention of the Chair to the fact that in this instance there was but one amendment. Had there been a great number of amendments, the idea that the first disagreement is technical might obtain, because we would have disagreed to all of them and then immediately thereafter agreed to one; but in this case there was but one amendment, which had been unanimously disagreed to. My purpose in calling this matter to the attention of the Chair is to request the Chair to place in the RECORD a ruling on this point distinguishing his action in this instance from the precedents heretofore established, with the idea of laying down for the future guidance of the House some clear ruling as to the proper procedure in this sort of case.

The SPEAKER. There is no question that the proper time for a motion to instruct the conferees is before the conferees are appointed. That is clear. However, if it be made afterwards and no point of order be made on that score, that presents a matter about which the Chair is not now certain.

Mr. CONNALLY of Texas. I am not seeking to make any point about that now, Mr. Speaker. Let me propound this further inquiry: When the gentleman from Pennsylvania made his unanimous-consent request that the bill be taken from the Speaker's table, that the House disagree to all amendments, could not that request have been divided? And after unanimous consent to take the bill from the Speaker's table had been granted, would not that have brought the bill before the House? And on the question of disagreeing to the amendments, could not a motion then have been made to concur in the Senate amendment?

The SPEAKER. The Chair thinks not.

Mr. BLANTON. Mr. Speaker, will the Chair permit a correction of the RECORD on that point?

The SPEAKER. Yes.

Mr. BLANTON. I call the Chair's attention to the fact that as soon as the unanimous consent was granted the Speaker proceeded to say that the Chair would appoint "the following conferees," and that I was then on my feet, before the conferees had been appointed, to make my motion, but the Clerk, not seeing me, was reading the names of the conferees. The appointment of the conferees, as a matter of fact, should appear after the motion was acted upon.

The SPEAKER. The Chair does not remember.

AUTHORIZING THE PRESIDENT IN CERTAIN CASES TO MODIFY VISÉ FEES

Mr. FISH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11957) to authorize the President in certain cases to modify visé fees.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11957, with Mr. SNELL in the chair.

The Clerk reported the title of the bill.

Mr. CELLER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 1, line 8, after the words "desiring to," strike out the words "visit the United States who are not 'immigrants' as defined in the immigration act of 1924" and insert in lieu thereof the words "come to the United States."

Mr. FISH. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill. It changes the character of the bill. This bill proposes to authorize the President in certain cases to modify the visé fees, as far as nonimmigrant aliens are concerned. The proposed amendment would affect all immigrants coming in, and therefore change the entire character of the bill. The Chairman ruled on identically the same question the day before yesterday. This is practically the same amendment over again.

Mr. CELLER. Mr. Chairman, I beg to state for the edification of the distinguished gentleman from New York [Mr. FISH] that the Chairman ruled on an entirely different proposition the day before yesterday. He ruled on a point of order made against an amendment offered by the gentleman from New York [Mr. BLOOM], which sought to inject into this bill something utterly foreign to it and not germane to it, because he sought entirely to do away with visés, let alone the price which might be charged for issuing a visé on a passport. This bill, as I understand it, provides that the President shall have the power to negotiate with foreign governments as to the amount that this Government shall charge before it shall exercise the right to visé a passport of a foreign government. In other words, you delegate to the President a right which he might exercise in his discretion, but in this bill you limit that discretion to the charge for a visé of passports of travelers, and my amendment seeks to extend that discretion of the President beyond visés issued on passports of travelers to those of immigrants. We are on the subject of visés, and I think it is germane to extend that discretion beyond the visés of travelers.

The CHAIRMAN. The Chair is ready to rule. It seems to the Chair that this presents a different proposition than came to the Chair in the other amendment, which the Chair ruled out of order, because the bill itself deals with visés. This simply extends the proposition of visés to another class of citizens. It does not add a new proposition to the bill itself. The Chair overrules the point of order.

Mr. LINTHICUM. Mr. Chairman, may we have the amendnent again reported by unanimous consent?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again reported.

Mr. CELLER. Mr. Chairman and gentlemen of the committee, the purpose of this amendment is simply to enlarge the discretionary powers that you in the main give to the President. Now, I am willing to trust the President in this regard, and I think that you should be willing to trust the President. I do not seek by this amendment to disturb any power to charge for the visé whether you charge it against the immigrant or charge it against the traveler or globe-trotter. I simply say to the President, "Mr. President, if you feel that it would be in our interest and our welfare to relieve not only the traveler but the immigrant as well of a charge for a visé, I want you to do it." Now, we recently passed a selective restriction immigration act, and it was our purpose to bring in the best kind of immigrant from Europe. Now, we must, therefore, start out with the premise that these immigrants are the best we can get and therefore we must welcome these immigrants. We should not put upon them any unjust or intolerable burden. What happens to the immigrant when he comes here? We charge him a visé fee of $10 under the immigration act of 1924 and charge him $8 as a head tax, and there has been placed during the last year in the bill basket probably a dozen bills for the registration of aliens, and if one of those bills should pass, you put another burden upon the alien—a registration fee. Some of the bills provide for a $25 registration fee. That same alien you ought to help and assist, not harm and hamper. He comes from the parts of Europe whence come the so-called Nordics, and, if you can believe the speeches made in favor of the immigration act, they are the best that you can get into this country. Now, if they are the best why should you burden them that way?—and for that reason this amendment should pass. Nearly every other country—Canada, all the South American countries—do everything in their power to ease the burden of desirable immigrants.

They pay their railroad fares across the country, they give them land grants, providing they be good immigrants. But we seem to have embarked upon a policy of harassing and embarrassing with petty taxes and assessments and unjust visé charges. These immigrants whom we so well desire and deserve should be helped, not harassed and discredited. There is a head tax of $8, a visé fee of $10. They are rather oppressive claims upon the aliens. They can ill afford to pay for them, and I say give the right to the President, in his discretion, not necessarily to relieve the immigrant of the entire charge, but the right to decide, in accordance with the best public interests, whether that charge shall be $9 or $8 or no charge whatsoever. I will end as I started by saying I am willing to accord that discretion to the President, and a vote against the amendment would be a denial of the efficacy of giving the President that discretion.

Mr. BURTON. Mr. Chairman, I desire to oppose this amendment. I am not without sympathy with any measure which would reduce the amount of the fee for the visé paid by the immigrants, but we have a very well-established system of law under the act of 1924 providing for the fees to be paid on visés of immigrants and have regulations for their admission. That is entirely a separate proposition from this. Indeed, I think it a very close question whether this amendment is not entirely out of order. It is recognized that the Immigration Service is a very expensive one and also that it requires regulations to be adapted to that branch of the public service, and if there is any modification of this law, it should be made under a bill brought in by the Committee on Immigration. Now, there are other objections to this. In the first place, the President, in his consultation or negotiation with foreign governments, would meet with this very decided embarrassment. There are some countries where the authorities are restive under our immigration laws, and if he took up the case both of the nonimmigrants and immigrants, it would meet with very decided obstacles. Still further, if there is any ground for application of the principle laid down by the gentleman from California [Mr. RAKER] in the discussion day before yesterday, it applies to this amendment. It ought not to be left to the President, but should be left to the decision of the Congress, and for these reasons I oppose this amendment and trust it may be voted down.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. It is so vital and important I think the committee ought to know just what this means. There seems to be a misunderstanding that this would not only allow all immigrants coming to the United States to come possibly without paying any fee on their visé. It has not been stated, but it is a fact——

Mr. CELLER. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. CELLER. At that point, to clear up the situation. I think the gentleman has not properly stated the amendment. It gives the right to the President to determine whether there shall be no fee or some fee up to $10.

Mr. RAKER. No; I hardly think so. I would like to have the attention of the committee because this is a vital matter. I know the committee wants the fact. As a member of the committee, we have been working on this for many years.

The House last year passed the immigration act of 1924, and the Senate passed it by an almost overwhelming vote. This bill repeals the very crux of the immigration act of 1924. There is no disguising it, and it ought not to be disguised.

Let me call the attention of the committee to the fact that there is no charge now for viséing a passport of an immigrant. Does the gentleman from New York get that?

Mr. CELLER. I heard the language.

Mr. RAKER. Does the gentleman dispute it?

Mr. CELLER. The charge made——

Mr. RAKER. Oh, does the gentleman dispute the fact that there is no charge now for viséing the passport of an immigrant?

Mr. CELLER. There is a charge of $10 for some office that the consul performs in connection with the examination certificate. It amounts to the same thing.

Mr. RAKER. Let us get down to the facts. Is there any charge to-day for the viséing of a passport as a passport?

Mr. CELLER. I will answer that question by asking you one. Does the American consul make a charge to the immigrant who appears before the American consul at some European port who seeks to come to this country?

Mr. RAKER. Oh, section 2 of the immigration act, subdivision (d), reads as follows—but before I read it I want to make this statement: We have provided it so as to protect the immigrant, that he must make application for the visé to come to this country, to show his record and his history. The application for that is $1 and the fee is $9, making $10. Therefore the man who does not get that can not come to the United States. It is intended to protect him. The sob story about the immigrants coming to Boston or New York and being held up is no longer possible.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. FAIRCHILD. It is a protection for the immigrant?

Mr. RAKER. Yes; it is a protection for the immigrant as well as to the United States. The law reads as follows:

> If an immigrant is required by any law, regulations, or orders made pursuant to law to secure the visé of his passport by a consular officer before being permitted to enter the United States, said immigrant shall not be required to secure any other visé to his passport than the immigration visé under this act, but the record number and date of his visé shall be noted on his passport without charge therefor.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FISH. Mr. Chairman, I move that all debate on this bill and all amendments thereto be closed in 10 minutes.

Mr. RAKER. Give us an opportunity to discuss some other matters connected with it.

The CHAIRMAN. The gentleman from New York moves that all debate on this bill and all amendments thereto be closed in 10 minutes.

Mr. LINTHICUM. Mr. Chairman, I move that it be 30 minutes.

Mr. FISH. Mr. Chairman, I would like to amend my motion by making it 20 minutes.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. I yield.

The CHAIRMAN. It is not debatable. The question is on the motion of the gentleman from New York.

The question was taken, and the motion was rejected.

Mr. LINTHICUM. Mr. Chairman, I move to make it 20 minutes.

The CHAIRMAN. The question is on agreeing to the motion.

The motion was agreed to.

The CHAIRMAN. The debate closes in 20 minutes.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word. I am a member of the committee.

Mr. RAKER. Mr. Chairman, I have two amendments. I would like to have five minutes.

The CHAIRMAN. The gentleman from California has already had five minutes, but the Chair will try to divide the time equitably.

Mr. LINTHICUM. Mr. Chairman, the bill now before us, H. R. 11957, to authorize the President on certain occasions to modify visé fees, is of great importance from both a revenue and a convenience standpoint. Under this bill it is the intention to give the President power to modify visé fees upon condition that other countries will do likewise, or perhaps, in the event the President thinks it wise, to abrogate the visé fees altogether, it being the intention through reciprocal relations to make it less intricate, difficult, and expensive to travel.

It is the belief of the Department of State that this relief would greatly benefit business as well as help those who are traveling for pleasure. It is said that the visé fees paid by visitors from the United States to European countries are estimated to aggregate as high as $3,500,000, while the actual benefit to the United States derived from visé fees upon the passports of foreigners coming to this country produces a revenue of only $787,000.

It is therefore contended that even from a financial standpoint it is not well that the traveling public should pay such an enormous sum, while the United States derives only about one-fifth that amount in revenue.

The general traveling public began the agitation against the visé and fee primarily to have removed the visé altogether, and thus avoid the constant and irritating annoyance while traveling abroad.

Personally I should very much like to see the visé requirement removed, just as it was before the war, when only two countries—Russia and Turkey—required passports and visés. We are told, however, that we can not remove this visé requirement because of the immigration laws, hence it is necessary to continue for the present this system. That being the case, I had hoped that the visé fee should not be altogether abrogated, but that we should charge at least a nominal sum of $2 to cover the cost to the Government for this service.

The one reason I felt we should not relinquish so much of this revenue was because in the last session when we had before us for passage what is known as the Rogers bill, which consolidated the Diplomatic and Consular Services under the name of the "foreign service," providing for increases in salaries, and a splendid retirement provision, I among others, argued that the foreign service was self-supporting by virtue of these very visé fees and other income from this service, and that the increase of salary and retirement, also other expenses incurred under the bill, would not fall upon the general public and the taxpayers of the country, but would be provided from the revenues derived from the service.

I am loath, therefore, to see this revenue largely depleted, and for that reason I had hoped that a partial visé fee would be maintained. I recognize there was a surplus from the foreign service after paying all expenses of more than a million dollars, but this was calculated upon the basis prior to the passage of the Rogers bill, which has increased the expenses of the foreign service to somewhere in the vicinity of one-half million dollars, so that if this entire visé income is removed, then the foreign service will not be more than self-supporting, if it does it at all.

I am very much in favor of the various departments of the Government, except that for national defense, becoming self-supporting, and particularly the foreign service, in which I am so deeply interested. This service should be able to maintain itself and also to expand. When a service is self-supporting it is not difficult to have Congress appropriate additional sums for expansion and improvement, and for that reason I am anxious that we should take no chances of making the foreign service a charge upon the general taxpayer.

I sincerely hope and verily believe that the President in his negotiations with the various countries of the world, unless he can procure an additional advantage of having them relinquish the visé requirement altogether, will at least maintain sufficient of this charge to guarantee a sufficient revenue for the very best foreign service that this country can provide and for the enlargement, improvement, and additions thereto if necessary.

There is no reason why this service can not continue self-supporting, and upon the passage of this bill it will be with the President to see that it is. The majority of my colleagues upon the committee are in favor of the passage of the bill as written, which confers upon the President the power to lessen or eliminate visé fees. The business interests of the country have asked for it; the traveling public, including the vast number of teachers and other educators and scholars, have asked for it, and so I shall concur in their view and ask my friends and colleagues of the House to pass this bill.

I want to see the United States extend its business into every country and every clime with just as little inconvenience as circumstances will permit. I would like to see as many of the people of our country travel abroad as can, so that they may know more about the situation in foreign countries and gain knowledge and information from what they hear and observe. In this way the people of this country will grow in wealth, happiness, and experience to the gratification of themselves and the glory of our Nation. [Applause.]

The CHAIRMAN. The gentleman from Washington [Mr. JOHNSON] is recognized for three minutes.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, I would like to call the attention of all Members present to the fact that the amendment offered and pending, which proposes to do away with the visé fee on immigrants, is but the beginning of an assault which we may expect to continue as long as we require an immigration visé of the passport of an immigrant. Should the assault be carried on far enough we may look in a few years from now to a return to the situation by which a person coming to the United States as an immigrant need not appear before any United States consul anywhere on the face of the earth, and then all of the efforts

which have been made to set up some form of selective immigration or a weeding-out system will fail.

Mr. BOX. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BOX. Is it not true that whatever selection we have now is based on this very idea of a visé?

Mr. JOHNSON of Washington. Yes. The proposed amendment is based on the proposition of reducing or abandoning altogether the fee paid by an immigrant, and, of course, the next proposal will be to do away with the visé itself.

Mr. CELLER. No; it leaves it to the President's discretion.

Mr. JOHNSON of Washington. Well, the President has the authority to end it now if he wanted to do so.

Mr. CELLER. But you could argue with the President and you could trust him.

Mr. JOHNSON of Washington. As the distinguished gentleman from Ohio recently said, the cost of this examination is considerable; it is a part of an orderly process to protect prospective immigrants and to reduce the necessity for so much examination at Ellis Island.

Whatever we may permit the President to do toward reducing these fees for visés—and in my opinion it should not be below $5—we must not permit this passport bill to be amended so as to weaken the immigration law.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WATKINS. Mr. Chairman, I offer an amendment.

Mr. BLOOM. Mr. Chairman, I have an amendment, which I sent to the Clerk's desk some time ago.

The CHAIRMAN. The gentleman from New York [Mr. CELLER] has an amendment pending.

Mr. WATKINS. Mr. Chairman, I merely want to present my amendment for the information of the House.

The CHAIRMAN. The gentleman from Oregon offers an amendment for the information of the House, which the Clerk will report.

The Clerk read as follows:

Amendment proposed by Mr. WATKINS: Page 1, line 12, at the end of the bill, strike out the period, insert a colon and add the following: "*Provided*, That all aliens whose passports were properly viséed prior to July 1, 1924, and which aliens have been denied admission to the United States because of quota exhaustion, shall have refunded to them such visé fees paid by them to the United States."

Mr. BURTON. Mr. Chairman, I reserve a point of order against that amendment.

Mr. RAKER. Mr. Chairman, a point of order. Are we not entitled to have the amendment offered by the gentleman from New York [Mr. CELLER] disposed of before we discuss other amendments? Several of us have amendments to offer and we would like to discuss them for a few moments.

The CHAIRMAN. The Chair will state that was not the understanding of the Chair. The understanding of the Chair was that there would be 30 minutes of discussion and then the committee would take up the amendments in the order they were presented. The amendment offered by the gentleman from New York [Mr. CELLER] would come first.

Mr. CONNALLY of Texas. Mr. Chairman, I desire to have read two amendments which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Oregon has the floor.

Mr. CONNALLY of Texas. I beg the gentleman's pardon.

The CHAIRMAN. The gentleman from Oregon is recognized, and there will be ample opportunity to offer the other amendments.

Mr. WATKINS. Mr. Chairman, I have offered this amendment for the purpose of remedying a situation claimed by some to be bad. I call the committee's attention to it so that Members may understand it, and, if it is held in order, to vote for it. It is claimed that there are between 8,000 and 10,000 aliens at the various ports throughout Europe who secured a visé and paid a fee for it prior to July 1, 1924.

Mr. BURTON. Mr. Chairman, I desire to have it understood that I have reserved a point of order against the amendment offered by the gentleman from Oregon. I have no objection to the gentleman from Oregon proceeding if he desires to do so.

The CHAIRMAN. The Chair understood that the gentleman from Ohio reserved a point of order against the amendment, to be taken up before the amendment is voted on.

Mr. WATKINS. As I have already stated, the amendment was presented to the committee for its information and so that it might understand the purport of it. Now, as I have said, it is said that between 8,000 and 10,000 were not permitted to come here because the quota had been exhausted, and it is alleged that it was through no fault of the aliens. So it would therefore seem to me that the most this Government could do would be to return the money paid by these people, in view of the fact that they can not enter this country.

Now, this is what would happen. It would stop this howl now being raised throughout the United States to the effect that those aliens have the right to come to the United States because they have paid their money. We are not anxious to give them citizenship simply because they paid the $10, but it seems to me it would be proper to give back the $10, since they are denied admission to the United States. That is the purpose of the amendment I have offered, and that is all I have to say upon that amendment.

Now as to the amendment offered by the gentleman from New York [Mr. CELLER], it provides that in case the President should desire, he would have the right to reduce or wipe out all visé fees upon all aliens coming to the United States, not only as to people coming to visit the United States, but abolish them altogether in the case of any and all classes of aliens desiring to come to the United States. That power belongs to Congress, and it strikes me as wrong and unsound to give to the President the power to say to an alien, "You can come to the United States and not pay a dime for the viséing of your passport." The purpose of this bill is to give to the President the right to abolish these fees if he wants to as to those who want to come here to visit the United States, whereas the gentleman's amendment provides that if the President wants to he can abolish them as to all aliens coming to the United States. I claim that if there is anybody in this world who ought to pay for our Immigration Service it is those who are benefited thereby, and not the taxpayers of the United States. The amendment is bad, and the bill as a whole ought not to pass. [Applause.]

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. CONNALLY of Texas and Mr. RAKER rose.

Mr. BURTON. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman from Ohio makes a point of order against the amendment of the gentleman from Oregon [Mr. WATKINS]. The gentleman will state his point of order.

Mr. BURTON. This bill pertains to the fees for viséing passports. The proposed amendment would authorize or actually make an appropriation for the repayment of certain amounts advanced by prospective immigrants seeking to come into the country, an entirely unrelated subject. I do not say that the idea or principle of it is not perfectly proper, but it does not belong here. Indeed, Mr. Chairman, I question very decidedly whether any regulation pertaining to immigrants is in order upon this bill, because there are two specific classes recognized, nonimmigrants to whom the bill pertains and immigrants who are excluded from its provisions.

The CHAIRMAN. If the gentleman will yield for a moment, as I understand the gentleman from Oregon [Mr. WATKINS], the gentleman only offered the amendment at this time for the information of the House, and later the gentleman intends to offer it for adoption. The Chair will consider the point of order at that time.

Mr. CONNALLY of Texas. Mr. Chairman, I have an amendment which I send to the desk to be read.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: On page 1, line 7, after the word "fees," strike out the words "or to abolish them altogether" and insert in lieu thereof "to a minimum of $5."

Mr. CONNALLY of Texas. Mr. Chairman, I do not care to debate the amendment except to say that the amendment provides that the President may reduce the fees down to $5. They are now $10.

Mr. RAKER. Mr. Chairman——

Mr. CONNALLY of Texas. Mr. Chairman, I do not yield the floor. I have another amendment I want read.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: On page 1, line 7, after the word "fees," strike out the words "or to abolish them altogether."

Mr. CONNALLY of Texas. On this amendment, Mr. Chairman, I simply desire to say it is my purpose to strike out the words "or to abolish them altogether" so as not to delegate to the President the power to abolish the fees altogether, but to require him to charge some fee, because the fact that a

fee is charged will make it much easier to control the issuance of visés and contribute a little toward defraying the expenses of the service.

Mr. JOHNSON of Washington. Will the gentleman yield just on that point?

Mr. CONNALLY of Texas. Yes.

Mr. JOHNSON of Washington. Does not the gentleman really think that there is something due the membership of the House which gladly voted in favor of a bill increasing the salaries of those in the Consular Service and beginning the establishment of a great foreign service, with retirement privileges, and so on; and does not the gentleman think that such action was taken on the theory in part, at least, that certain money was coming in from fees to pay for the service?

Mr. CONNALLY of Texas. The gentleman, of course, knows my position on this matter. I am against the bill in toto, but if the House is going to adopt the bill, I hope it will not give away all of this $687,000, but at least require these travelers to pay at least some fee toward maintaining the Consular Service, a part of whose time is consumed in ministering to their wants and conveniences.

Mr. JOHNSON of Washington. I think that is quite proper.

Mr. BLOOM. Will the gentleman yield?

The CHAIRMAN. The Chair would like to make a statement. Without objection, debate will close on the pending amendments until we have acted on them because we have so many amendments pending.

Mr. CONNALLY of Texas. Mr. Chairman, my time has not expired. The gentleman from New York [Mr. BLOOM] desired me to yield, and I yield to the gentleman.

Mr. BLOOM. Is it not a fact that the Consular Service abroad does not spend any time with reference to the visés of visitors or tourists in Europe?

Mr. CONNALLY of Texas. Oh, yes; that is true.

Mr. BLOOM. And there is no expense attached to that.

Mr. CONNALLY of Texas. But I may say to the gentleman they do spend time viséing the passports of aliens coming to the United States and this bill is designed to abolish that practice in consideration of the fact that foreign governments will abolish such practice on their part as to American travelers.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. Mr. Chairman, a number of amendments have been sent to the desk. Prior to most of them an amendment was sent to the desk by the gentleman from New York [Mr. BLOOM], who has been trying to be recognized, but Members who have sent amendments to the desk subsequent to his are being recognized.

The CHAIRMAN. The gentleman from New York [Mr. BLOOM] will be recognized after the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I would rather follow the gentleman from New York [Mr. BLOOM], and then answer at one time all the arguments that have been made.

Mr. BLOOM. Mr. Chairman, I ask unanimous consent to have read an amendment which I have sent to the desk for the information of the House.

The Clerk read as follows:

Amendment proposed by Mr. BLOOM: On page 1, line 7, after the word "them" insert: "And/or any requirement of any visés;" and in line 12, after the word "countries" insert: "And/or have no requirement of visés."

Mr. BLOOM. Mr. Chairman, I introduced the following bill on February 5, 1925:

A bill (H. R. 12180) to reduce passport fees and eliminate visé regulations

Be it enacted, etc., That sections 1 and 2 of the act approved June 4, 1920, entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921," be, and the same is hereby, amended to read as follows:

"SECTION 1. From and after the 1st day of July, 1925, there shall be collected and paid into the Treasury of the United States quarterly a fee of $1 for executing each application for a passport and $1 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States: *Provided*, That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize the retention by State officials of the fee of $1 for executing an application for a passport: *And provided further*, That no fee shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families, or to seamen, or to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad whose journey is undertaken for the purpose and with the intent of visiting the graves of such soldiers, sailors, or marines, which facts shall be made a part of the application for the passport.

"SEC. 2. From and after the 1st day of July, 1925, there shall be collected and paid into the Treasury of the United States quarterly a fee of $1 for executing each application of an alien for a visé and $1 for each visé of the passport of an alien: *Provided*, That no fee shall be collected from any officer of any foreign government, or members of his immediate family, its armed forces, or of any State, district, or municipality thereof, traveling to or through the United States, or of any soldiers coming within the terms of the public resolution approved October 19, 1918 (40 Stat. L. par. 1, p. 1014): *Provided further*, That no passport or visé shall be required of aliens, citizens, or persons owing allegiance to or entitled to the protection of a foreign country which permits the entrance of citizens or persons owing allegiance to or entitled to the protection of the United States into such country without passport or visé restrictions or regulations."

SEC. 2. This act shall take effect on or after July 1, 1925.

Mr. Chairman and gentlemen of the House, the passport and visé evil is something that is really difficult to understand unless one has traveled throughout the countries of Europe and come in personal contact with the large amount of red tape connected with the obtaining of visés of passports and knows the opportunity offered to officials in the different countries to levy graft upon the helpless traveling public.

I have received hundreds of letters from all parts of the country during the past 18 months concerning this evil. These human documents will do more than any words of mine to refute the statements that the visé question affects solely the idle rich and the prosperous business man. The truth is that this affects mostly the teachers, students, artists—the cultured poor, in a word. They are, in the last analysis, the chief sufferers.

It is not only the actual money spent for visés and passports but loss of valuable time, time that is so precious in making a short trip, that makes this practice a double nuisance.

After several conversations with the officials of many of the different European governments I am convinced that the different governments would be glad to follow the lead of the United States in abolishing visés altogether. I certainly do hope that this may be done without unnecessary delay.

To bring the situation home, it is quite conceivable that a short trip in Europe, corresponding to a trip from Washington, D. C., to New York City, would require visés and border examinations in various countries corresponding to the States of Delaware, Maryland, Pennsylvania, New Jersey, and New York, amounting to fees of some $50 for each person or passport and endless vexatious inconvenience and delay.

When a citizen of the United States obtains a passport from the Department of State, signed by the Secretary of State and bearing the seal of that great department, there is printed on his passport the following words—

* * *, a citizen of the United States * * * these are therefore to request all whom it may concern to permit him to pass freely, without let or molestation, and to extend to him all friendly aid and protection as should be extended to like citizens of foreign governments * * *.

What do those words mean? What does "pass freely without let or molestation" mean? That phrase means just exactly what it says—that the bearer of that passport shall be allowed to pass freely without let or molestation. If the citizen, the bearer of that passport, is to be permitted to pass freely and without molestation, it does not mean that he shall so pass after he has obtained the signature of some foreign consul or some foreign agent in some way-off land. That plain language is not so qualified. The paper the citizen obtains from the Department of State is either a passport or it is not a passport.

Experience has taught me, Mr. Chairman, that the present passport and visé regulations are merely an opportunity for the American citizen traveling abroad to be held up, inconvenienced, and fleeced of extra money even after he has obtained his visés from the countries in which he desires to travel.

It is a very simple matter for an agent in a strange country, where a strange tongue is spoken, to say to me, or to any lady traveler, a citizen of the United States with a proper passport and a proper visé, "Madam or sir, there is something wrong with your visé and you will have to see the agent," or to make some other flimsy excuse to unnecessarily detain one. Then

after paying the usual fee, to avoid loss of valuable time, annoyance, and so forth, one's passport and visé magically becomes good, where a few moments before it was bad.

It has been stated on the floor of this House that only two chambers of commerce throughout the United States have protested in any manner against the passport and visé evil. This statement, Mr. Chairman, is wholly in error. I have many letters, which I shall read in a little while, showing conclusively that objections have come from all branches of trade and commerce, as well as from teachers, ministers of the gospel, professors of different universities, and like people and institutions.

However, before reading these letters, let me explain a few of my reasons for objecting to the passport evil and advocating the absolute elimination of visés.

In the first place, the life of a passport is only two years. If a person desires to travel throughout Europe for educational or cultural purposes, he must obtain a visé or visés to be used with his passport, all of which cost considerable money. And since the visés expire with the passport, a citizen is compelled to go to all the trouble and expense of obtaining new visés after the time limit for the passport has expired. That time limit, as I have stated, is two years from date of issuance, which is too short a time. I ask why not extend the time limit of passports to, say, five years, if we must have passports? On the other hand, by eliminating visés we would eliminate all possibility of graft in these matters. As a common-sense proposition any real business man can readily see that the visé is a bad business proposition all around, for the simple reason that citizens of the United States are paying yearly to foreign governments between four and five millions of dollars for visés, this, that the Government of the United States may obtain about $700,000 from visés.

I doubt, Mr. Chairman, if there are many citizens of the United States who desire to see the citizenship of our country pay five or six times as much to foreign governments for visés as we receive from foreign governments for visés, just to enable the United States Government to get the paltry sum I have just mentioned. Is it fair? I say it is not.

It has been stated on this floor that to eliminate visés would but accommodate the few thousands who constitute the traveling public of our country. That argument is not based upon fact, because law, whether it be this law or some other law, is made for the guidance of all of the 110,000,000 peoples of the United States, and any citizen who finds it necessary to travel abroad would receive the benefits of this proposed measure.

True, not all citizens receive the benefits of all the laws of our country, but nevertheless the law is upon the statute book for them to derive its benefits if it should ever become necessary for them to avail themselves of it. Therefore, I say this measure, which looks to the elimination of visés, is in fact for the benefit of all the people and not for the benefit of a favored few.

Again, Mr. Chairman, the greatest objection to my mind to these visés is the considerable loss of time suffered by travelers in obtaining these visés.

When one travels abroad, necessarily a schedule is kept in mind, but when he finds that he needs a visé here and there, or that he must have an extra signature of some kind, he stands helplessly detained for one, two, or three days, whereas he had intended to spend a day or two only in the particular place to which he was going.

I would now like to read a few of the many interesting letters I have received regarding the visé and passport business, as it affects the traveling public.

The first is from Mr. Darius Alton Davis, senior secretary of the International Committee of Young Men's Christian Associations of North America, with headquarters in Geneva, Switzerland. Under date of July 9, 1924, Mr. Davis said:

THE INTERNATIONAL COMMITTEE OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF NORTH AMERICA,
Geneva, Switzerland, July 9, 1924.

EDITOR OF THE NEW YORK HERALD, *Paris.*

DEAR SIR: You have put all Americans under obligations to you for taking the initiative in trying to have present American passport regulations changed.

The American Young Men's Christian Association maintains 50 secretaries in various countries in Europe. The duties of these men are such that it necessitates considerable traveling. We are now able to get in certain countries visés good for one year, but in other countries visés will not be granted beyond a period from three to six months. The time spent in securing these visés is a very considerable item, but the expense to the association is, of course, the important thing. My work takes me to Constantinople and the Near East once or twice every year. Visés cost nearly as much as the railroad fares on such a trip. Thus far this year I have personally traveled in 15 countries; most of the other 50 secretaries would average at least five countries a year. The total cost of visés for this travel for our men in Europe would nearly maintain one of the men at his post during a year. When we consider that the funds for maintaining the extensive work which the American associations are doing in Europe comes from voluntary gifts of Americans, you can see what a saving it would be if passport regulations were as before the war.

Whenever we ask any consulate for reductions we are always reminded that we have only our own Government to thank for the present conditions, because such prices were never charged Americans until America raised the price of visés for foreigners.

Another consideration, so far as Americans in Europe are concerned, is the fact that we are already taxed in the countries in which we reside as well as in America. In many cases, if not in all, the taxes in the foreign countries amount to more than the taxes in America.

Anything that you may be able to do in the way of securing a revision of the present passport regulations will not only facilitate the work which we are trying to do in the name of America, but also diminish the annoyance and delay necessitated by the present regulations.

Sincerely yours,

D. A. DAVIS.

(P. S.: Most of the secretaries referred to above are married men; although the present passport regulations permit wives to be registered on passports with their husbands, the fact that our men are traveling makes it imperative that the wives also have passports so as to be provided for emergencies. This means that the cost of visés per family is double.)

The next letter is by an American citizen, a resident of New York, who has had 27 years' experience as foreign representative of a well-known American manufacturing company. This gentleman for personal reasons requested that his name be withheld, and I am, therefore, doing it. The writer of this letter is a gentleman of recognized standing, and I can unhesitatingly believe him. He says:

As an American citizen, resident of New York, with an experience of 27 years as foreign representative of a well-known American manufacturing company, I feel justified in taking advantage of your offer through Mr. BLOOM'S assistance to submit to Congress what I believe are the objections to existing passport regulations.

1. The reasons that made the use of passports necessary during the war and the years immediately following the armistice no longer exist.

2. The fees of $10 each for passports and visés are excessive, are not required as a source of revenue, and should be reduced to at least $2 in each case.

3. In reprisal for our excessive charges almost all foreign governments oblige American citizens to pay a similar amount for their visés.

4. As foreign visés range in validity from six weeks to one year the expense to an American citizen traveling on business varies from $120 to $200 a year, every cent of which goes to foreign governments. This does not include the incidental expenses and loss of time in obtaining visés.

5. The charge of $10 made exclusively to American citizens for visés by foreign Governments constitutes a breach of their commercial treaty with the United States guaranteeing that American citizens should always receive the "most favoured nation treatment." We treat all nations equally.

6. Our excessive charge penalizes every American tourist from $20 upward depending upon the number of countries visited, subjects him to constant annoyance, vexation, trouble, embarrassment, and loss of time resulting not infrequently in additional expense due to delays at frontiers and consequent inability to keep important engagements.

7. In pre-war days Russia, Turkey, and Egypt alone required a passport for entry, no visé being necessary. Passports in pre-war days were principally used for identification.

8. It would seem reasonably safe to assert that no one of the five hundred thousand or more American citizens who have gone abroad since the armistice but has suffered in pocket as well as in mind from this onerous, annoying, and wholly unnecessary tax and who would not willingly and cheerfully add his affirmation to all I have written.

In the earnest hope that your efforts supported by Mr. BLOOM'S in the House of Representatives may be successful, I am

Sincerely yours,

The next letter I have is written by Prof. R. W. Moore, of Colgate University. Professor Moore has spent 34 years in Colgate University and was, at the time he wrote this letter, August 3, 1924, in Switzerland, on a year's leave of absence and making a tour of the world with his wife. The professor says:

VEVEY, SWITZERLAND, *August 3, 1924.*

Representative BLOOM, *New York Herald, Paris.*

MY DEAR SIR: Acting on a suggestion of the New York Herald of some weeks ago I write you as follows:

After 34 years' service in Colgate University, I am enjoying a year's leave of absence, and my wife and I are now making a trip around the world at an expense of about three times my present salary and five times my salary for most of the time of my service.

I do not know how much I have paid out for visés but it is quite a sum, most of them $10 each, Japan's and China's being only $2, and the Chinese consul in San Francisco said he could take no fee from a Colgate professor.

I have visés from Japan, China, Great Britain, France, Turkey, Serbia, Hungary, Austria, Germany, and my wife has the same.

Not only the cost is vexing, but the trouble and often embarrassment connected with the whole matter ought to be done away with, and our country should be the one to take the lead.

As I got my British visé in San Francisco, a Chinaman got his and could not understand why he should pay $2 and I $10 for exactly the same thing. The consul's explanation that he was a Chinaman and I an American did not satisfy him. He was afraid there was something wrong with his document.

I asked the consul how long that kind of a distinction was going to last, and he replied: "Just as long as your Government charges $10."

I feel quite sure that Britain, France, Germany, Italy, and Austria would at once follow our example if it were set.

I understand that the State Department some time ago recommended going back to the pre-war status, but that Congress declined approval.

If I can do anything to help the movement on, I shall be glad to do it.

Very truly,

R. W. MOORE.

The next communication on this important subject is from Rev. M. K. Merns, of St. Patrick's, Troy, N. Y. Under date of September 22, 1924, Reverend Mr. Merns wrote:

ST. PATRICK'S,
Troy, N. Y., September 22, 1924.

Go to it SOL. I read of your proposed intentions in yesterday's New York Times to do away with the passport fee with its extravagance and annoyance to American travelers. On my recent trip abroad I met many of our American school-teachers of very moderate means whose ambition it was to broaden their education by travel, and who had to deny themselves many comforts on account of passport fees for different countries. It is an imposition on the American traveling public, and I hope you will succeed in doing away with it.

Yours truly,

Rev. M. K. MERNS.

I now submit a letter, which is accompanied by a clipping from the New York Times. This letter is by Mr. August C. Heinz, 342 West One hundred and twenty-third Street, New York City. Under date of September 24, 1924, Mr. Heinz said:

NEW YORK, *September 24, 1924.*

Hon. SOL BLOOM,
House of Representatives, Washington, D. C.

DEAR SIR: I inclose a clipping from the New York Times, and inasmuch as my business takes me frequently to Europe, I heartily join in the protest of said writer, and hope that you will do everything possible to bring this matter to the attention of the State Department. In the first place, I can not see why an American citizen should pay $10 for a passport which during the war was issued for $4, and on top of it we have to pay another $10 for the various visés. It is about time, when even President Coolidge talks about disarmament on sea and land, that his war measure of passports and visés be abolished.

Thanking you in advance for any steps you will take in this matter, I remain,

Yours very truly,

AUGUST C. HEINZ.

FOR PASSPORT REFORM

To the EDITOR OF THE NEW YORK TIMES:

Several hundred American citizens, among whom are lawyers, doctors, ministers of all denominations, teachers, and business men just home from abroad, have delegated us to transmit to all interested the following, and we urge other Americans to take similar action and to get in touch with their Representatives in Congress:

* * * * * * *

"The visé is unnecessary, because the passport itself is prima facie evidence of American citizenship, satisfactory personal identification, and sufficient protection for the country visited. These conditions and restrictions act as a serious check on general travel."

* * * * * * * *

If all take action we shall no doubt get relief from this plague resting upon travelers who commit no offense save that of pursuing knowledge and business for the greater glory of these United States.

W. H. SHEPHARD, Minnesota, *Chairman.*
EPHRAIM CROSS, New York, *Secretary.*

BROOKLYN, N. Y., *September 17, 1924.*

Miss Frances D. Lyon, assistant librarian of the New York State Library, Albany, N. Y., is my next correspondent. Miss Lyon, under date of December 16, 1924, writes as follows:

THE UNIVERSITY OF THE STATE OF NEW YORK,
Albany, N. Y., December 16, 1924.

Hon. SOL BLOOM,
House of Representatives, Washington, D. C.

MY DEAR MR. BLOOM: When I was in Paris during the past summer I read with much interest in the Paris Herald of your proposals for passport reform. I am sure everyone who has recently been abroad or who contemplates going ought to encourage any effort to reduce the cost of our passports and visés.

After my return I started a petition and had no difficulty in securing signatures from professional people in the New York State education department State Library School, State College for Teachers, Albany public schools, St. Agnes School, etc.

I take pleasure in sending you that petition herewith, and trust that it will carry some weight. I can assure you all the signers wish you success and appreciate your efforts.

Assuring you of our support, believe me,

Yours very truly,

Miss FRANCES D. LYON,
Assistant Law Librarian.

And I have a letter from Mr. T. B. Dawson, 118 Waterman Street, Providence, R. I., under date of December 30, 1924, reading:

118 WATERMAN STREET,
Providence, R. I., December 30, 1924.

Hon. SOL BLOOM, M. C.,
Washington, D. C.

SIR: A movement is under way for the reduction of the price of American passports and visés. It is a great imposition on the traveling public, on students, and professional men who go abroad to study, also on business men who go abroad to develop our foreign trade.

Many of our universities are interested in the matter as it is a severe tax on their staff, who go abroad to study. Magazines and newspapers have written of it and the American Bankers' Association took up the matter at their last meeting.

It is hoped you will give the matter your serious attention and aid in removing this burden on American travelers.

I am sir,

Your obedient servant,

T. B. DAWSON.

Dr. David Eugene Smith, of the Teachers' College, Columbia University, New York City, writing from Paris, in June, 1924, said:

PARIS, *June 29, 1924.*

To the EDITOR OF THE NEW YORK HERALD, *Paris.*

DEAR SIR: Besides the intolerable nuisance and expense attendant upon the passports and visés, these pieces of bureaucracy are a serious tax upon education. We have a large number of college students in Europe every year, including hundreds of professors, who (as in my case) are here to secure material and information for their work, and the time and expense necessary for procuring visés are such as to limit the visits of many of them to only a single country.

It is an educational asset to America to have these students and teachers take home all the information and inspiration possible. Unfortunately and unwisely our Government is doing a great deal to make the financial sacrifice of these students and teachers unnecessarily severe and to limit their usefulness.

I hope that Congressman BLOOM will be successful in his worthy efforts to remove this medieval nuisance.

Yours very truly,

DAVID EUGENE SMITH,
Teachers' College, Columbia University, New York City.

Miss Ella Reigel, of 1300 Spruce Street, Philadelphia, from Lake Como in June, 1924, wrote as follows:

BELLAGIO, LAKE COMO, ITALY,
June 30, 1924.

The EDITOR OF THE NEW YORK HERALD, *Paris.*

DEAR SIR: I wish to congratulate you and Representative BLOOM for taking up the passport visé grievance. The present extortionate rates for passport and visés is nothing short of a tax on education. For professors, teachers, and persons of culture the cost of a passport with average number of visés for the summer holiday now amounts to about $50. Last year I was doing relief work and before I had finished my

passport cost me over $100. The same passport with the same visés would have cost an Englishman or a Frenchman one-fifth of the sum. Moreover, to avenge themselves for our extortionate charges, foreign countries will no longer extend visés, so then each year they must be renewed; this makes the burden fall particularly heavy upon Americans studying abroad, who wish to improve their holidays by seeing something of Europe in the short time they can spare from their work.

I am quite sure thousands of traveling Americans will be grateful to the New York Herald and to Congressman BLOOM if they will energetically press this matter. It will also be an excellent campaign plank for Mr. BLOOM.

Yours truly,

ELLA RIEGEL,

Permanent address, 1300 Spruce Street, Philadelphia, Pa.

The next communication is from Mr. H. Ely Goldsmith, a certified public accountant of New York City, and head of the Accurate Audit Co. of that city. On September 23, 1924, Mr. Goldsmith said:

ACCURATE AUDIT CO.,
New York, September 23, 1924.

EDITOR NEW YORK TIMES,
Times Building, New York, N. Y.

DEAR SIR: For a proper understanding of the passport-reform question mentioned in the statement by Congressman BLOOM in the Sunday Times and in a letter by Mr. Shepard and another published in Monday's Times it is necessary to realize the background for all these complaints.

The difficulty Americans are suffering under is not so much the fee charged them for a passport by the State Department, but the fee charged for a visé to foreigners attempting to enter the country. This visé charge being unreasonably high, it leads to retaliation on the part of all foreign governments.

The charge had its origin during the war, when the Secretary of State's office came to the conclusion that the foreign service of the United States had to be made nearly self-supporting in order to induce Congress to provide the Department of State with adequate appropriations for the support of the foreign service, and therefore it asked Congress to pass laws providing for such revenue as was calculated would raise sufficient funds. The expense falling to the greater extent upon foreigners, Congress had no misgiving about enacting such laws. (Foreigners don't vote here.)

However, Congress overlooked that this is a game that two can play at, and the foreign governments saw a chance to get back at Americans, and they did it in the manner outlined by the various parties whose communications the New York Times recently printed.

There is no more reason why the foreign service or the Immigration Service should be self-supporting than that the Attorney General's office or the Weather Bureau should be self-supporting. They are all parts of the general scheme of government, every service doing its allotted share for the benefit of all citizens, and every one of them can and should be supported principally by general taxation as distinguished from a special tax or fee on those using the service.

I have no figures showing the amounts collected by the department from the visé fees, but they can not possibly equal the amount paid by individual Americans as similar fees to foreign governments. It seems, therefore, that the most necessary remedy is the abolishment of the visé charges as against those countries who will reciprocate.

As to the charge made for issuing a passport, I am not so certain whether that is unreasonable, because it is a special service rendered to some citizens which other citizens do not ask for.

If Congress feels that the expense of the foreign service should be paid for by citizens traveling abroad, I believe it would be wiser to even increase the passport fee rather than continue the visé fee as at present. But to my mind even that is unnecessary. The fee of $1 or $2, as charged before the war, is amply sufficient for the clerical service, and if citizens' protection by the Government while abroad must be bought a more adequate payment should be exacted.

Congress should provide liberally for the foreign service in every respect, as that service is of great help to the country at large, but it should not require a small percentage of Americans to suffer intensely in expenditure by money, time, and patience because it wants to load upon the foreigners part of the expense of that service.

H. ELY GOLDSMITH,
Certified Public Accountant, State of New York.

I will now read into the RECORD an editorial from the Paris Herald of Sunday, June 8, 1924, concerning "The passport evil." It says:

THE PASSPORT EVIL

PARIS, Sunday, June 8, 1924.—The passport is an invention of the times when only arbitrary government prevailed. Now that the United States Government is at peace with all other governments there exists no longer the excuse for it that was valid during the World War. Some governments already waive the passport exaction or the passport visé as to nationals of governments that reciprocate. It is not creditable to our own Government that in this regard it should have allowed other governments to lead the way.

If the American Government were now to propose the entire abolition of passports there is little doubt that nearly all if not all other governments would promptly follow its example.

But, if it be granted that there is some justification for the continued passport requirement, annoying as it would be in any case, why surround it with conditions which are as vexatious as possible? Why, for instance, make these conditions harder and more humiliating for the American residing abroad than for his fellow citizens who merely travel abroad? What constitutional right has the Government to render doubtful or to place restrictions upon the legitimate liberty of its nationals under any circumstances?

If we must still have the passport nuisance, why not make it as little a nuisance as possible, instead of the contrary? The cost of the passport is monstrously excessive. It constitutes a cruel hardship for many poor persons whose affairs compel them to come abroad. The period of the passport is absurdly short. Other governments, like that of Great Britain, make it five years. With us it is only two years, with a possible extension, again under inquisitorial conditions, of one year.

The idea that any tax that is not nominal or just sufficient to defray official expense, should be imposed upon the right to travel anywhere on this round earth is ignorant, narrow-minded, mean, and worthy only of the Dark Ages. It is not at all in harmony with the true American spirit.

The next contribution is under the caption, "Stop the $10 visé pest." I am sorry that I can not at this time give the source of this article. Anyway, it says:

STOP THE $10 VISÉ PEST

Is it through stupidity, indifference, or calculated design that the United States allows the passport-visé pest to cheat and annoy hundreds of thousands of American travelers year after year?

Tourists from every State in the Union are asking this pitiful question as summer crowds reach Europe by every steamer. They continue:

In spite of widespread agitation on both sides of the Atlantic, in spite of repeated pleas, howls, appeals, and petitions to the United States Senate, the House, the State Department, and National Chamber of Commerce, nothing has been done.

European nations have taken every step in their power to rid travel of the visé nuisance, and America has persistently balked their effort by her refusal to cooperate. Why in the name of reason should the United States stick to a visé system that costs her people many millions of good American dollars annually, while the income derived from it amounts to a few paltry thousands?

Visé restrictions have been removed by most European governments from all travelers except Americans. We are still required to pay a $10 entrance fee at every foreign turnstile.

Nor can we regard this discriminatory tax levied on Americans as anything but just. It is our own fault.

Time after time European governments have signaled their willingness to lower the visé charge to a normal basis if the United States would consent to do likewise. But the inane alien visé law of 1920 remains obstinately intact, keeping no undesirable elements out, doing us no earthly good, costing us millions every year, and causing us endless annoyance.

Under date of September 30, 1924, John H. Morrissey, M. D., 40 East Forty-first Street, New York City, wrote:

NEW YORK, *September 30, 1924.*

Hon. SOL BLOOM, M. C.,
1451 Broadway, New York City.

MY DEAR MR. BLOOM: Permit me to commend you on your intentions regarding the passport annoyance. Like thousands of other Americans, I have been annoyed yearly by passport difficulties.

I am inclosing correspondence relative to a difficulty I had with the Austrian consul in Venice.

Planning to go from Venice to Munich, I had to pass through a strip of Austrian territory at Innsbruck. For the two hours on Austrian territory I had to pay $60 for my party—three of the members of my immediate family, brothers and sisters.

I objected, inasmuch as they would not give me a transit visé, and was told by the consul in Munich that I should have been allowed one. You will note that not only does the Austrian consul in Venice tell me that I am wrong but points out the fact that he was unduly courteous to me. At the time of my particular complaint I called attention to very evident discourtesy on his part.

For passport fees for six persons going to Europe and visiting Italy, France, Germany, and England, and passing through Austria, there was a total charge of $372. Furthermore, when visés are obtained at foreign consulates the rate of exchange is usually 25 per cent less

than the prevailing rate. Another word regarding my Austrian visé. My American passport ran out in about three weeks from the date for which I requested the visé. The consul therefore carefully gave me but three weeks time on the Austrian visé, but still I had to pay the full fee. This was the case in which I requested the transit visé.

In the possibility that these data may be of interest, I inclose the letters. Send them back to me at your convenience.

Again complimenting you on your stand, I am, with kindest regards,

Very truly,

JOHN H. MORRISSEY.

My next letter is from an important and influential organization—the Chamber of Commerce of the United States of America, Washington, D. C. On January 3, 1924, Mr. E. L. Bacher, assistant manager of the foreign commerce department, wrote me, as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, D. C., January 3, 1924.

Hon. SOL BLOOM,
1451 Broadway, New York, N. Y.

DEAR SIR: Our New York office has called to our attention your letter of December 22, with reference to new legislation concerning passport and visé fees. We are glad to quote you below the resolution adopted by the tenth annual meeting of the Chamber of Commerce of the United States in May, 1922:

"High fees for passports and the viséing of passports are a burden upon the international travel necessary to commerce. However appropriate in war time, the formalities incident to visés and to police control of passports are now an interference with commerce. Our Government should reduce its fees for passports and visés to a reasonable charge for the service it performs. As promptly as possible, our Government should enter into agreements with foreign governments for reciprocal discontinuance of visé requirements and, when conditions warrant, the complete discontinuance of passport requirements."

Very truly yours,

E. L. BACHER,
Assistant Manager, Foreign Commerce Department.

I will now read an editorial from the Paris Herald of Wednesday, June 18, 1924, under the caption, "Some passport history." It says:

SOME PASSPORT HISTORY

PARIS, Wednesday, June 18, 1924.—A good many Americans who are victims of the passport tyranny would like to know something of its genesis and as to who should bear the responsibility thereof.

By the act of Congress approved by the President on March 23, 1888, the preliminary fee for a United States passport, that is to say, an advance payment made when the application for it was filed, was fixed at $1, and the fee upon delivery of the document at the same sum. Thus the passport from that date cost $2, or in French money approximately 10 francs. It is quite a jump from that to $10, or at the recent consular rate of exchange to 200 francs or more.

By the act of Congress of June 4, 1920, the preliminary passport fee was continued at $1, but the final fee was fixed at $9, thus making $10 the total cost of the imposing double sheet of official paper bearing the signature of the State Department chief and duly stamped and sealed. This is the present rate. The fact that the Great War, which caused the revival of the partly extinct passport custom, ended nearly five years ago has made no difference to the intelligent and broad-minded majority in Congress.

But this is only a part of the evil. The same act which fixed the cost of the passport at $10 also established the visé price at $10. This was the initiation of the visé system of extortion; for other nations, as was quite natural and even justifiable under the provocation given, at once began a policy of reprisal. Foreigners holding passports of their own Governments could not enter the United States without paying $10 each to American consuls. For them the high rates of exchange make the exaction especially severe. But, in fact, it is even more severe for Americans of moderate means who are given to much travel, for they are obliged to pay the equivalent of $10 every time, with few exceptions, that they cross a European frontier. Thus Mr. X, who comes to France and wishes to visit, we may say, six other countries, finds that he will be out of pocket for passport expenses not only the original $10, but $60 or $70 besides, or in all some 1,300 or 1,400 francs.

The unwisdom and injustice of the law which has produced this state of things needs no further demonstration. The American Nation is immensely richer in 1924 than it was in 1888. The revenue this year in spite of vast expenses shows a large surplus. Where is the excuse to be found for this strangely narrow and inconsistent policy?

The last letter I shall read to-day is from Mr. Max Sondheim, of New York City, who was in Paris at the time he wrote as follows:

HOTEL CHATHAM,
Paris, July 1, 1924.

Hon. SOL BLOOM,
Care of New York Herald, 49 Rue de l'Opera, Paris.

DEAR SIR: Am delighted to note that you intend to champion the cause against the passport and visé regulation tyranny, which has grown to be a nuisance of the worst kind. As one of your constituents from old Broadway and Eighty-sixth Street I want to add my protest against the visé evil, and hope you will prove successful in your efforts at Washington.

Sincerely yours,

MAX SONDHEIM,
Care of Belwood Apartments,
225 West Eighty-Sixth Street, New York City.

Mr. Chairman, as I have stated, these letters are only a few of the hundreds I have received suggesting that the evil of passport visés be eliminated altogether.

The question of reducing the cost of visés is not, to my mind, the real pressing question. If we should reduce the cost of visés we would naturally reduce part of the monetary expense of traveling abroad, but we would not relieve tourists and American citizens of any of the other evils complained of in the letters and editorials I have just read.

In conclusion, I do hope and trust that you, gentlemen of the House, will agree with me and vote for my amendment to eliminate entirely this monstrous, obnoxious, and unnecessary passport evil.

I thank you kindly. [Applause.]

Mr. HOLADAY. Mr. Chairman and gentlemen, I want to call your attention to the purpose of most of these amendments. Their purpose is entirely different from the purpose of the original bill. The original bill deals with American citizens who are going abroad and is urged on this floor for the benefit of American citizens. The amendments that have been introduced are not for the purpose of benefiting American citizens, but are for the purpose of benefiting aliens who wish to come to our country as immigrants. The immigration law, as the gentleman from Washington [Mr. JOHNSON], chairman of the Committee on Immigration, said a few minutes ago, was based on the theory that by a selective plan of immigration we could get a better class of immigrants. In order to put that selective plan of immigration into operation it called for an increase in our Consular Service, and the fees received from these immigrants are expended for the maintenance of our increased Consular Service.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FISH. Mr. Chairman, I simply want to discuss two of the many amendments offered. The amendment offered by the gentleman from New York [Mr. BLOOM] seeks to do away with the visé requirements. The chairman of the Committee on Immigration pointed out before our committee that if we undertook to do away with the visé requirements we would have no check whatever on nonimmigrant aliens coming into the country for travel or for business purposes. If we pass this amendment to the bill doing away with visé requirements, it would create a loophole so that nonimmigrant aliens coming into this country could not be checked up and would thereby nullify our immigration policy. So much for the amendment offered by the gentleman from New York [Mr. BLOOM].

The gentleman from Texas [Mr. CONNALLY] offered an amendment to reduce the amount of the visé fee from $10 to $5. That in itself would destroy one of the main purposes of the bill, which is to empower the President to negotiate with foreign governments to reduce or waive the visé fees entirely and to try to persuade these countries to do away with the visé requirements. There are many countries that have not the same immigration problem that we have, and the State Department at least thinks, after some investigation, that these countries will not only waive by treaty the fees, but will also do away with the requirements.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. FISH. No; I am sorry I can not. That is one of the main purposes of the bill, and it will be destroyed if you adopt any amendment limiting the powers of the President to negotiate with foreign governments.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am sorry I can not.

Mr. BLOOM. I want to get my amendment clear.

Mr. FISH. The gentleman had five minutes, and I must refuse to yield. This bill is offered to provide relief for American citizens who travel abroad on business or pleasure. They already have to pay $10 for a passport, and it seems to me improper to ask American citizens to pay $10 for a pass-

port which only costs the State Department $2, and then because Congress has passed legislation requiring nonimmigrant aliens to pay $10 for a visé fee other countries to retaliate by compelling our citizens to pay $10 visé fees in the countries they visit. If this bill passes, the probable total reduction in Government receipts would be in the neighborhood of $400,000, whereas there would be a saving to American travelers of approximately $4,000,000 now paid for visées to foreign governments. The Consular Service has a surplus of receipts over expenditures of a million and a half dollars, and will still have over a million dollar surplus if this bill passes. Consequently, we are not destroying the Consular Service by this legislation, and I ask the committee to vote down all pending amendments, because every amendment which has been offered will destroy the purpose of the bill, which is to aid American citizens and do away with the imposition of what I regard as an imposition and an improper and unnecessary tax.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to be permitted to address the committee for five minutes.

The CHAIRMAN. Is there objection?

Mr. FISH. I object.

The CHAIRMAN. The Chair understands that many amendments were presented for the information of the House, and that now the amendments are offered. The vote first will be taken on the amendment offered by the gentleman from New York [Mr. CELLER].

Mr. RAKER. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 1, line 8, after the words "desiring to," strike out the words "visit the United States who are not 'immigrants,' as defined in the immigration act of 1924," and insert "come to the United States."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. Does the gentleman from Oregon [Mr. WATKINS] desire to press his amendment?

Mr. WATKINS. No; I withdraw the amendment.

The CHAIRMAN. The next vote will be taken on the amendment offered by the gentleman from Texas [Mr. CONNALLY], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY, of Texas: Page 1, line 7, after the word "fees" strike out the words "or to abolish them altogether," and insert in lieu thereof the following: "To a minimum of $5."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were—ayes 23, noes 45.

So the amendment was rejected.

Mr. RAKER. Mr. Chairman, I sent up two amendments to the desk, but as they are identical with the amendment just voted upon, I shall withdraw them.

The CHAIRMAN. The next vote will be taken upon the second amendment offered by the gentleman from Texas [Mr. CONNALLY] which the Clerk will report.

The Clerk read, as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 1, line 7, after the word "fees" strike out the words "or to abolish them altogether."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were—ayes 26, noes 50.

So the amendment was rejected.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Would an objection lie to this bill upon the ground that it is unconstitutional and that the House can not pass an unconstitutional bill?

Mr. BLANTON. Oh, if that rule were applied, we could not take up half the bills we pass here.

The CHAIRMAN. The Chair does not think that is a parliamentary inquiry. The vote next will be taken upon the amendment offered by the gentleman from New York [Mr. BLOOM], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLOOM: Page 1, line 7, after the word "them," insert: "and/or any requirement of visé," and in line 12, after the word "countries," insert "and/or have no requirement of visés."

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] reserved the point of order on this.

Mr. BURTON. Mr. Chairman, I do not care to press the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. FISH. Mr. Chairman, I move that the Committee rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. BURTON having assumed the chair as Speaker pro tempore, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11957 and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. CONNALLY of Texas. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. CONNALLY of Texas moves to recommit the bill to the Committee on Foreign Affairs with instructions to report the same back forthwith with the following amendment: "After the word 'fees' in line 7, strike out the words "or to abolish them altogether.'"

Mr. FISH. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. RAKER) there were—ayes 33, noes 79.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. RAKER) there were—ayes 97, noes 33.

Mr. RAKER. Mr. Speaker, I object to the vote on the ground that there is no quorum present and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from California makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 272, nays 69, not voting 90, as follows:

[Roll No. 74]

YEAS—272

Abernethy	Campbell	Fairchild	Hoch
Ackerman	Carter	Fairfield	Holaday
Aldrich	Casey	Faust	Hooker
Almon	Celler	Fenn	Howard, Nebr.
Anderson	Chindblom	Fish	Howard, Okla.
Andrew	Christopherson	Fisher	Huddleston
Anthony	Clague	Fleetwood	Hudson
Arnold	Clancy	Foster	Hudspeth
Ayres	Cleary	Freeman	Hull, Iowa
Bacharach	Cole, Iowa	French	Hull, Tenn.
Bacon	Cole, Ohio	Frothingham	Hull, Morton D.
Bankhead	Colton	Fuller	Hull, William E.
Barbour	Connery	Funk	Humphreys
Barkley	Cooper, Ohio	Gallivan	Jacobstein
Beck	Cooper, Wis.	Garrett, Tenn.	James
Beedy	Corning	Geran	Johnson, S. Dak.
Beers	Cramton	Gibson	Johnson, Wash.
Begg	Crosser	Gifford	Kearns
Bixler	Cullen	Glatfelter	Ketcham
Black, N. Y.	Cummings	Graham	King
Bland	Dallinger	Greenwood	Knutson
Bloom	Darrow	Griest	Kopp
Boies	Davey	Griffin	Kurtz
Boylan	Davis, Minn.	Guyer	Kvale
Brand, Ga.	Deal	Hadley	LaGuardia
Britten	Dempsey	Hall	Lampert
Browne, N. J.	Denison	Hardy	Larsen, Ga.
Browne, Wis.	Dickinson, Iowa	Harrison	Lazaro
Brumm	Dickstein	Hastings	Lea, Calif.
Bulwinkle	Doughton	Haugen	Leach
Burdick	Dowell	Hawes	Leatherwood
Burtness	Drewry	Hawley	Leavitt
Burton	Dyer	Hayden	Lehlbach
Byrnes, S. C.	Eagan	Hersey	Lineberger
Byrns, Tenn.	Elliott	Hickey	Linthicum
Cable	Evans, Iowa	Hill, Md.	Longworth

Luce	Morris	Sears, Nebr.	Tincher
Lyon	Morrow	Sherwood	Tinkham
McDuffie	Murphy	Shreve	Tucker
McFadden	Nelson, Me.	Simmons	Tydings
McLaughlin, Mich.	Newton, Minn.	Sinclair	Underhill
McLaughlin, Nebr.	Newton, Mo.	Sinnott	Underwood
McLeod	O'Connell, N. Y.	Sites	Upshaw
McReynolds	O'Connell, R. I.	Smith	Vaile
McSwain	O'Connor, La.	Snell	Vestal
McSweeney	Oldfield	Snyder	Vincent, Mich.
MacLafferty	Oliver, N. Y.	Speaks	Vinson, Ga.
Magee, N. Y.	Parker	Sproul, Ill.	Voight
Magee, Pa.	Patterson	Sproul, Kans.	Wainwright
Major, Ill.	Peery	Stalker	Ward, N. Y.
Major, Mo.	Phillips	Stedman	Wason
Manlove	Prall	Stengle	Watres
Mansfield	Purnell	Stephens	Watson
Mapes	Ragon	Strong, Kans.	Weaver
Martin	Rainey	Strong, Pa.	Wefald
Mead	Ramseyer	Sullivan	Weller
Merritt	Ransley	Summers, Wash.	Welsh
Michaelson	Rathbone	Sweet	Wertz
Michener	Reece	Swing	White, Kans.
Miller, Wash.	Reed, W. Va.	Swoope	White, Me.
Mills	Reid, Ill.	Taber	Williams, Ill.
Minahan	Robinson, Iowa	Taylor, Colo.	Williams, Mich.
Montague	Robsion, Ky.	Taylor, Tenn.	Williamson
Mooney	Sabath	Temple	Woodruff
Moore, Va.	Sanders, Ind.	Thatcher	Woodrum
Moores, Ind.	Sanders, N. Y.	Thompson	Wright
Morgan	Schafer	Tilson	Wyant
Morin	Schneider	Timberlake	Yates

NAYS—69

Allen	Drane	Lozier	Sears, Fla.
Allgood	Driver	McClintic	Smithwick
Black, Tex.	Evans, Mont.	McKeown	Steagall
Blanton	Fulmer	Milligan	Stevenson
Bowling	Garber	Moore, Ga.	Swank
Box	Gardner, Ind.	Morehead	Taylor, W. Va.
Boyce	Garrett, Tex.	Oliver, Ala.	Thomas, Ky.
Browning	Gasque	Park, Ga.	Thomas, Okla.
Buchanan	Gilbert	Parks, Ark.	Tillman
Busby	Hammer	Quin	Vinson, Ky.
Canfield	Hill, Ala.	Raker	Watkins
Cannon	Hill, Wash.	Rankin	Williams, Tex.
Collier	Jeffers	Rayburn	Wilson, La.
Collins	Johnson, Tex.	Reed, Ark.	Wilson, Miss.
Connally, Tex.	Jones	Romjue	Wingo
Cook	Kincheloe	Rubey	
Crisp	Lanham	Sanders, Tex.	
Dickinson, Mo.	Lowrey	Sandlin	

NOT VOTING—90

Aswell	Fulbright	McKenzie	Rogers, N. H.
Bell	Gambrill	McNulty	Rosenbloom
Berger	Garner, Tex.	MacGregor	Rouse
Brand, Ohio	Goldsborough	Madden	Salmon
Briggs	Green	Miller, Ill.	Schall
Buckley	Johnson, Ky.	Moore, Ill.	Scott
Butler	Johnson, W. Va.	Moore, Ohio	Seger
Carew	Jost	Nelson, Wis.	Shallenberger
Clark, Fla.	Keller	Nolan	Spearing
Clarke, N. Y.	Kelly	O'Brien	Sumners, Tex.
Connolly, Pa.	Kendall	O'Connor, N. Y.	Tague
Croll	Kent	O'Sullivan	Treadway
Crowther	Kerr	Paige	Vare
Curry	Kiess	Peavey	Ward, N. C.
Davis, Tenn.	Kindred	Perkins	Wilson, Ind.
Dominick	Kunz	Perlman	Winslow
Doyle	Langley	Porter	Winter
Edmonds	Lankford	Pou	Wolff
Favrot	Larson, Minn.	Quayle	Wood
Fitzgerald	Lee, Ga.	Reed, N. Y.	Wurzbach
Frear	Lilly	Richards	Zihlman
Fredericks	Lindsay	Roach	
Free	Logan	Rogers, Mass.	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Crowther with Mr. Wilson of Indiana.
Mr. Rogers of Massachusetts with Mr. Sumners of Texas.
Mr. Free with Mr. Garner.
Mr. Treadway with Mr. Kindred.
Mr. Wurzbach with Mr. Quayle.
Mr. Moore of Illinois with Mr. Lindsay.
Mr. Wood with Mr. Clark of Florida.
Mr. Kendall with Mr. Buckley.
Mr. Fredericks with Mr. McNulty.
Mr. Connolly of Pennsylvania with Mr. Croll.
Mr. Porter with Mr. Rogers of New Hampshire.
Mr. Clarke of New York with Mr. Doyle.
Mr. Roach with Mr. Salmon.
Mr. Curry with Mr. Rouse.
Mr. Reed of New York with Mr. Fulbright.
Mr. Schall with Mr. Shallenberger.
Mr. Fitzgerald with Mr. Johnson of West Virginia.
Mr. Seger with Mr. Goldsborough.
Mr. Keller with Mr. Wolff.
Mrs. Nolan with Mr. Kunz.
Mr. Scott with Mr. Lilly.
Mr. Kiess with Mr. Jost.
Mr. Butler with Mr. Tague.
Mr. Peavey with Mr. Carew.
Mr. Brand of Ohio with Mr. Logan.
Mr. Perkins with Mr. Dominick.
Mr. Madden with Mr. Aswell.
Mr. Zihlman with Mr. Briggs.
Mr. Vare with Mr. Davis of Tennessee.
Mr. Winslow with Mr. Gambrill.
Mr. Green with Mr. Kent.
Mr. MacGregor with Mr. Lankford.
Mr. Moore of Ohio with Mr. Spearing.
Mr. Paige with Mr. Lee of Georgia.
Mr. McKenzie with Mr. Ward of North Carolina.
Mr. Kelly with Mr. Johnson of Kentucky.
Mr. Edmonds with Mr. Kerr.
Mr. Frear with Mr. Pou.
Mr. Perlman with Mr. O'Connor of New York.
Mr. Larson of Minnesota with Mr. Richards.
Mr. Miller of Illinois with Mr. O'Brien.
Mr. Winter with Mr. Bell.
Mr. Rosenbloom with Mr. O'Sullivan.
Mr. Nelson of Wisconsin with Mr. Favrot.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors.

On motion of Mr. FISH, a motion to reconsider the vote by which the bill was passed was laid on the table.

MIGRATORY BIRD REFUGES

Mr. SNELL. Mr. Speaker, I call up House Resolution 438, a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York calls up a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution No. 438

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 745, for the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled between those for and those against the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage.

During the reading of the above,

Mr. BLANTON. Mr. Speaker, I raise the question of consideration.

Mr. SNELL. Mr. Speaker, I submit that you can not raise the question of consideration upon a report from the Committee on Rules.

Mr. BLANTON. Oh, yes; you can. You can always raise the question of consideration.

The SPEAKER. The Chair thinks that you can not raise the question of consideration on a report from the Committee on Rules.

The Clerk resumed and concluded the reading of the resolution.

Mr. SNELL. Mr. Speaker, if this resolution is adopted, it provides for the consideration of the bill H. R. 745, a bill commonly referred to as the migratory game refuge bill. I do not desire to take any time of the House to discuss the merits of the bill. This proposition has been before the Congress for three years; it has been before the people of the whole country; and it is the idea of the Committee on Rules to simply give the House an opportunity to decide for itself whether it desires to consider this measure or not, and unless there is some demand from the membership of the Committee on Rules I desire to move the previous question on the resolution.

Mr. BLANTON. Mr. Speaker——

Mr. GARRETT of Tennessee. Can the gentleman give me one minute?

Mr. SNELL. I yield one minute to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I am opposed to the bill, as I have always been. The fundamental objections are not removed by any of the amendments which have been made. Of course I am opposed to the rule, but my experience in the past on this measure convinces me quite thoroughly that a majority, however they may vote upon the bill, will vote to consider it, so I am not going to ask the gentleman for any time on the rule. I hope to obtain a little time on the bill itself when it comes up for discussion.

Mr. SNELL. Mr. Speaker, I move the previous question.

Mr. BLANTON. May I have a minute on the rule; surely the gentlemen will give us a chance to be heard on this important bill?

The SPEAKER. The gentleman is out of order. The gentleman from New York moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 745.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 745, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 745, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 745) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes.

Mr. RANKIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. How much time for general debate is allowed on the bill?

The CHAIRMAN. Thirty minutes on a side.

Mr. HAUGEN. I yield to the gentleman from Kansas——

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The bill has not been read yet, and it is out of order until the bill is read.

The CHAIRMAN. The bill has been reported by title.

Mr. BLANTON. But it has to be read in the Committee of the Whole House on the state of the Union. The rules provide that unless the matter is waived by unanimous consent, and there has been no request for unanimous consent here.

Mr. HAUGEN. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, this is an important rule and an important bill, the enacting clause of which was stricken out after it had been laughed and ridiculed out of court here before, and no time whatever has been given on this rule, and the country ought to know something about what is in this bill; and I object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That this act shall be known by the short title of "Migratory bird refuge act."

SECTION 1. That a commission to be known as the "Migratory bird refuge commission," consisting of the Secretary of Agriculture, who shall act as its chairman, the Secretary of Commerce, the Postmaster General, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such land, water, or land and water, as may be recommended by the Secretary of Agriculture for purchase or rental under this act, and to fix the price or prices at which such areas may be purchased or rented; and no purchases or rentals shall be made of any such areas until they have been duly approved for purchase or rental by said commission. The members of the commission hereby created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as for original appointment.

SEC. 2. That the commission hereby created shall, through its chairman, annually report to Congress, not later than the first Monday in December, the operations of the commission in detail during the preceding fiscal year.

SEC. 3. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift, for use as migratory-bird refuges and public shooting grounds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and other expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, from moneys in the migratory-bird protection fund.

SEC. 4. That no deed or instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the area lies shall have consented to the acquisition thereof by the United States for the purposes of this act.

SEC. 5. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the areas which may be acquired under this act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General and shall be vested in the United States; but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will, in the opinion of the Secretary of Agriculture, in no manner interfere with the use of the areas so encumbered, for the purposes of this act; but such rights of way, easements, and reservations retained by the owner from whom the United States receives title shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as migratory-bird refuges and public shooting grounds; and it shall be expressed in the deed or other conveyance that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations; and all areas acquired under this act shall be subject to the laws of the State in which they are located, if such laws are not inconsistent with the migratory bird treaty act, this act, or regulations adopted pursuant to such acts.

SEC. 6. That no person shall take any migratory bird, or nest, or egg of such bird on any area of the United States which heretofore has been or which hereafter may be acquired, set apart, or reserved as a bird or game refuge or public shooting ground under this act, any other law, proclamation, or Executive order, or disturb, injure, or destroy any notice, signboard, fence, building, or other property of the United States thereon, or cut, burn, or destroy any timber, grass, or other natural growth thereon, or enter thereon for any purpose, except in accordance with rules and regulations which the Secretary of Agriculture is hereby authorized and directed to make, but nothing in this act or in any regulation adopted pursuant to this act shall be construed to prevent a person from entering upon any such area for the purpose of fishing or of trapping fur-bearing animals in accordance with the law of the State in which such area so entered is located, or to authorize the United States to make any charge, other than the hunting-license fee prescribed by this act, for hunting migratory birds on any such area.

SEC. 7. That, except as hereinafter provided, each person who at any time shall take any migratory bird, or nest or egg thereof, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, shall first procure a license, issued as provided by this act, and then may take any such migratory bird, or nest or egg thereof, only in accordance with regulations adopted and approved pursuant to the migratory bird treaty act (act of July 3, 1918, 40 Stat. L. p. 755); such license, however, shall not be required of any person or any member of his immediate family resident with him to take in accordance with such regulations any such migratory bird on any land owned or leased by such person and occupied by him as his place of permanent abode, and nothing in this act shall be construed to exempt any person from complying with the laws of the several States.

SEC. 8. That licenses where required under this act shall be issued, and the fees therefor collected, by the Post Office Department, under joint regulations to be prescribed by the Secretary of Agriculture and the Postmaster General. The provisions of the act of January 21, 1914 (38 Stat. L. 278), as amended by the act of July 2, 1918 (40 Stat. L. 754), shall apply to such licenses and funds received from sales thereof in possession of postmasters.

SEC. 9. That all moneys received for such licenses shall be covered into the Treasury and shall constitute a special fund to be known as the "Migratory bird protection fund," which is hereby reserved, set aside, appropriated, and made available until expended, as follows: Not less than 45 per cent thereof for the purchase or rental or necessary expenses incident to the acquisition of suitable land, waters, or land and waters for use as migratory-bird refuges and public shooting grounds, and for the administration, maintenance, and development of such refuges and grounds, and the construction of cabins and other necessary improvemets; not less than 45 per cent thereof for enforcing the migratory bird treaty act, the Lacey Act (secs. 241, 242, 243, and 244, Criminal Code), including salaries in Washington, District of Columbia, for cooperation with local authorities in the protection of migratory birds, for investigations and publications relating to North American birds, and for printing and engraving licenses, circulars, posters, and other necessary matter under this act; and not to exceed 10 per cent thereof for expenditures as follows: First, such sum as the Secretary of Agriculture and the Postmaster General may determine to be necessary for the issuance of licenses under this act, of which sum the Secretary of the Treasury shall be duly notified at the commencement of each fiscal year; second, for the

repayment of the $50,000 as provided by this act; and third, for any expense necessary to give effect to this act. The Secretary of Agriculture shall make an annual report to Congress of receipts and expenditures under this act.

SEC. 10. That each applicant for a license shall pay $1 therefor, and shall sign his name in ink on the face thereof, and each license shall expire and be void after the 30th day of June next succeeding its issuance. Any person who shall take any such migratory bird or nest or egg thereof shall not only possess such license but shall have it on his person at the time of such taking, and he shall exhibit such license for inspection to any person requesting to see it.

SEC. 11. That no person shall alter, change, loan, or transfer to another any license issued to him pursuant to this act, nor shall any person other than the one to whom it is issued use such license.

SEC. 12. That no person shall imitate or counterfeit any license authorized by this act, or any die, plate, or engraving therefor, or make, print, knowingly use, sell, or have in his possession any such counterfeit license, die, plate, or engraving.

SEC. 13. That in all necessary instances, for the purpose of carrying out the provisions of this act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the migratory bird treaty act upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce said treaty act. All birds or parts, nests or eggs, thereof taken or possessed contrary to this act or to any regulation made pursuant thereto shall be disposed of in like manner as seized birds or parts, nests or eggs, thereof are disposed of under the provisions of section 5 of the migratory bird treaty act.

SEC. 14. That in order to pay initial expenses, including purchases of supplies, printing and distributing of licenses, circulars, posters, and other necessary matter, and all other expenses that may be necessary to carry into effect the provisions of this act, the sum of $50,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available upon the passage and approval of this act until expended, which sum shall be covered into the Treasury in five equal annual payments from the migratory-bird protection fund.

SEC. 15. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 16. That any person, association, partnership, trust, or corporation who shall violate any of the provisions of section 13 of this act shall be subject to the penalties prescribed by section 210 of the Criminal Code of the United States; and any person, association, partnership, trust, or corporation who shall violate or fail to comply with any provision of this act or with any regulation made pursuant to this act shall be subject to the penalties prescribed by the migratory bird treaty act (act of July 3, 1918, 40 Stat. L. p. 755).

SEC. 17. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

SEC. 18. That this act shall take effect upon its passage and approval, except the provisions requiring the use of licenses, which shall take effect on the 16th day of August, 1924.

With committee amendments.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] is recognized for 30 minutes.

Mr. ANTHONY. Mr. Chairman, the gentleman from Iowa [Mr. HAUGEN] has very kindly yielded to me time on this side for general debate. It will not be my purpose to use more than a small part of it. But I do desire to say to the Members of the House that this is the same bill that was presented to the House at the last session of Congress, and that the serious objections raised to it at that time have been taken care of in the form of amendments, which we believe present this meritorious measure to the House in a shape to which at this time valid objection can not be taken.

Various gentlemen in the House when this measure was up before opposed it because it interfered with the rights of the States. We have so modified the bill now that no land can be taken under the terms of this bill without the sanction of the legislature of the State where it is desired to secure the land for a game refuge.

This bill neither confers any new jurisdiction or powers on the Federal Government nor takes away any of the powers that any of the States now enjoy with reference to the regulation of migratory birds.

Another matter to which objection was made before was the penalty which was imposed by the former bill. This bill practically carries no penalties for the violation of the purpose of the bill. There is nothing in this bill which would cause any man to be haled before any Federal court or any court for shooting migratory birds on one of the proposed refuges, the only penalty for shooting in violation of the regulations being a civil action to an amount not less than $5 and not exceeding $25.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield right there?

Mr. ANTHONY. I will yield in a moment, if the gentleman will first permit me to make a short statement.

Mr. RAMSEYER. The gentleman says there are no penalties except $5 and $25.

Mr. ANTHONY. In carrying out the purposes of the bill.

Mr. RAMSEYER. Section 12 carries out the purpose of the bill, and also sections 6 and 11, and those contain penalties.

Mr. ANTHONY. Those are penalties involved in the counterfeiting of Government paper.

Mr. RAMSEYER. I did not rise to criticize the statement of the gentleman.

Mr. ANTHONY. There is no penalty of the kind described for shooting game on these refuges.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. AYRES. I think one of the most objectionable and, in fact, the chief objectionable feature of this bill is the provision with respect to public-shooting grounds in these refuges. That will be the only thing that will keep me from supporting the bill.

Mr. ANTHONY. I hope the gentleman will concede that the public should have the right to shoot the game they protect. The ultimate purpose of the bill is to increase the supply of game and make it possible for the people to enjoy the shooting of it.

Mr. AYRES. I object to the shooting grounds on the game refuges.

Mr. ANTHONY. In some of the refuges there will be no public-shooting grounds except in certain seasons. Some of them will be kept as sanctuaries safe at all times for migratory birds.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Let me first finish a short statement.

This country has taken upon itself by a treaty with Canada the obligation of protecting migratory wild fowl. We are not doing it. We made a treaty with Canada a few years ago and assumed that obligation. Canada has faithfully carried out her side of the contract, and has set aside 240,000 square miles of her domain as game refuges; and a large part of the wild fowl that come to the United States are hatched and bred on these refuges in Canada, and we get the benefit of them.

Owing to the fact that there are but few places in this country for these birds in their annual migration either to nest or to breed, and owing to the fact that nearly 5,000,000 men each year go out with guns to slaughter them, without adequate protection these birds are bound in a few years to disappear unless the Government protects them properly. Within the last 20 years it has been estimated that 71,000,000 acres of land in this country have been drained. This territory that has been drained has been largely the home of wild fowl, where they have nested and fed in past times. We have drained an area as large as the Great Lakes; we have drained an area twice as large as the New England States; but we have not thereby added 71,000,000 acres to the agricultural resources of the country, because it has been found that nearly one-third of the drained land has been worthless for agriculture. But we have destroyed the value of the land drained as a home for migratory wild fowl.

Some gentleman will say, what good are they? The economic value of these wild birds is tremendous. The food value of the birds that are killed each year runs into the millions of dollars. In the State of Minnesota a hunter, in applying for a license, is required to state in his application the number of birds he has killed on his license in the year preceding. The figures show that about a million and a half birds are killed there each year, with a money value of over a million dollars, so that in estimating the food value or the money value of the migratory birds annually killed in this country you find it approximates $20,000,000. I estimate that in firearms and transportation and ammunition and other expenses incurred by hunters who enjoy the pursuit of migratory game perhaps $50,000,000 more is represented as an annual expenditure in trade channels, so that the whole question is tied

up with a real economic value to the country. But, on top of that, 5,000,000 citizens are engaged during the open season each year in the hunting of these birds, and the greatest asset of all that comes to us as the result of having a bountiful supply of migratory birds comes in the way of health to the millions of our citizens who participate in this outdoor life.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield there?

Mr. ANTHONY. I yield.

Mr. HUDSPETH. I have read the provisions of the gentleman's bill very carefully. I opposed it before. But is it not a fact that the ground of almost every objection that was urged before has been taken out of this bill?

I want to state to the gentleman that the very men in my State who were opposed to the bill before, and wired me to oppose it, are now wiring me to support the measure. They state it preserves the State's rights, which the other bill did not.

Mr. ANTHONY. I think the gentleman has stated the case correctly. I am advised, and I think it is safe to say, that 90 per cent of the State game wardens of the country and the officials of all the States emphatically indorse this legislation and urge it as the one step necessary if we desire to conserve this great natural resource of our wild migratory birds.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LEATHERWOOD. Under sections 6 and 7 of the previous act a license was required for the taking of migratory birds. I take it that in order to determine what are included within the term "migratory birds" we would refer back to the treaty between Great Britain and the United States with reference to migratory birds. Am I correct so far?

Mr. ANTHONY. I think the gentleman is correct in that; that that would be the basic law for all of this.

Mr. LEATHERWOOD. Now, under all the terms and definitions of the proposed act, the magpie in my country is a migratory bird; it is a perching bird and lives chiefly upon insects. Would it be necessary for me to have a license to kill a magpie?

Mr. ANTHONY. I think not. I have never heard the magpie classed as a migratory fowl.

Mr. LEATHERWOOD. It is classed as a migratory bird, and under the terms of the treaty would I require a license to kill a magpie?

Mr. ANTHONY. The gentleman would not, in my opinion.

Mr. LEATHERWOOD. The crow is a migratory bird.

Mr. ANTHONY. It is not so considered, I think, by the United States Department of Agriculture, which frames the regulations.

Mr. LEATHERWOOD. I do not know how they consider it, but it is a migratory bird in seven or eight States, to my personal knowledge. It goes out in the fall and comes back in the spring; it is a perching bird and lives chiefly upon insects. Would I have to have a Federal license to kill a crow?

Mr. ANTHONY. I think not. The gentleman has brought up one other great argument for the passage of this legislation, let me say to him, and that is the value of the migratory insectivorous birds in this country. It has been estimated that without the aid of the insectivorous birds, especially those migratory birds which live upon insects, it would be impossible in time to raise crops in any country. This bill also protects the migratory insectivorous bird which is of such great benefit to agriculture, as well as the wild fowl we have spoken of.

Mr. LEATHERWOOD. I will say to the gentleman that the birds I have mentioned, together with many others, come clearly within the definitions of this treaty and this proposed act, and they are pests to the people. Now, if this law is strictly construed, as I think it will be, one would not dare kill magpies, crows, and other pestiferous birds.

Mr. ANTHONY. I do not think the gentleman need be worried about a regulation of that kind.

Mr. LEATHERWOOD. Now, a further question with reference to the regulation of hunting. I discover in one of the provisions that wherever I may be I must be armed with a license, with my signature upon it, and be prepared to display it to any person who may ask to see it. What is the purpose of that?

Mr. ANTHONY. The purpose of that is that any authorized game warden should be in a position to identify a man in order to ascertain whether he has complied with the law. That same provision is in the law of every State, not only with reference to game licenses but with reference to automobile licenses.

Mr. LEATHERWOOD. Does not the gentleman think the language should be limited to requiring me to exhibit my license to anyone authorized to inspect it?

Mr. ANTHONY. Undoubtedly; and that is the purpose of it.

Mr. LEATHERWOOD. But under the present language of the bill I must exhibit it to any person who asks to see it.

Mr. ANTHONY. It should be corrected, if that is the language, because it is not intended for that purpose.

Mr. BLANTON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLANTON. I want to call the gentleman's attention to the fact that on February 13, 1923, the House, by a vote of 154 to 135, dismantled this bill by striking out its enacting clause. What situation makes it different now than on that date, February 13, 1923?

Mr. ANTHONY. I tried to call the gentleman's attention to the fact that the objections which were raised at that time had largely been taken care of in the bill now before the House. I believe—at least, I hope—the gentleman will find, when this bill comes to a vote, that it will pass by at least the majority he speaks of, having been once against it.

Mr. BLANTON. Have there been any deals or exchanges of mountain tops for garden seeds, or anything like that gone through in the last few weeks or months or years whereby the gentleman thinks this bill can now pass?

Mr. ANTHONY. I am in hopes the House will decide that this is a meritorious piece of legislation; I think it has realized it, and I think the bill will pass.

Mr. BLANTON. If I have the time, I am going to call the gentleman's attention to some provisions which ought never to become a law if we want to protect our people at home from Federal agents.

Mr. HUDSPETH. Let me call the gentleman's attention to one feature of this bill. Under the old law you could not hunt on your own premises, but that has been corrected in this bill.

Mr. BLANTON. Oh, the Senator will be able to hunt on his Devil River ranch.

Mr. HUDSPETH. But under the provisions of the other bill even that was not permitted.

Mr. STEVENSON. Will the gentleman yield to me?

Mr. ANTHONY. Yes.

Mr. STEVENSON. I want to ask the gentleman this question. Has he considered the proposition that under this bill large areas of territory may be acquired and that when they become the property of the Government they will be taken out from under the taxing power of the States and counties?

Mr. ANTHONY. I will say to the gentleman there are no large areas of any great value that I know of that will be taken over. The land that will be taken over will be largely of a type that does not figure on the tax rolls of any State now—swamps and lakes—and will not practically interfere with the taxable value of the lands of the State.

Mr. STEVENSON. Areas are sometimes not valuable today and very valuable to-morrow. Does not the gentleman think that at the end of the section we should put in something to the effect that the right of taxation by States and subdivisions thereof shall not be abrogated by such acquisition unless expressly waived by the legislature of such State? In other words, does not the gentleman think we ought to leave it in the control of the State as to whether they will part for all time with the right to tax such large areas?

Mr. ANTHONY. Some of this land will come into the ownership of the Government, I will say to the gentleman, and manifestly the Federal Government should not pay taxes on its own property.

Mr. RAGON. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman.

Mr. RAGON. Along the line suggested by the gentleman from South Carolina, as I understand this bill, none of these game sanctuaries can be put in any State or any land taken from a State without first obtaining the consent of the legislature of that State.

Mr. ANTHONY. Absolutely.

Mr. RAGON. And the legislature of a State giving this authority would naturally take into consideration when they gave it the fact that it might be releasing the taxing power of the State, and therefore would it not ultimately depend entirely upon the action of the legislature?

Mr. ANTHONY. Surely. If there is any great body of land in a State which the Federal Government wants to take over under this act, if it has a large taxable value, undoubtedly the State legislature would take that into consideration, and if it was of great value would not give its consent to the transfer.

Mr. BARBOUR. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from California.

Mr. BARBOUR. The gentleman stated a short time ago that no land could be acquired for the purpose of establishing a game refuge without the consent of the State legislature.

Mr. ANTHONY. That is the language of the bill.

Mr. BARBOUR. For the purpose of the RECORD, I would like to ask the gentleman if that applies to public lands or forest reserve lands owned by the Federal Government?

Mr. ANTHONY. I hardly think it would be necessary to ask the consent of a State legislature for the transfer of public land for that purpose, but I have understood that some of the Western States fear that large portions of the public domain might be transferred for this purpose and thus take the land away from possible use for other purposes in the State—agricultural or livestock purposes. I will say to the gentleman that none of the proponents of this bill has the least thought that any considerable amount of such land will ever be used for such purpose, because, as I have said, the only type of land that would be used would be lakes and swampy tracts of land.

Mr. BARBOUR. As I read it, the bill provides for the acquirement by purchase, lease, and gift of lands for the establishment of game refuges; does it contemplate that public lands and forest reserve lands shall be used for game refuges?

Mr. ANTHONY. As far as I know, it does not contemplate such use, but there is no doubt that Congress, if it saw fit, could transfer certain public lands of the kind I have described to this proposed game commission.

Mr. BARBOUR. Under the Constitution the Congress has authority to dispose of such public lands.

Mr. ANTHONY. Undoubtedly.

Mr. BARBOUR. I wanted the views of the gentleman on the subject in the RECORD.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LINTHICUM. I notice on page 5, line 13, the bill provides "license, however, shall not be required of any person or any member of his immediate family * * * on any land owned or leased by such person and occupied by him as his place of permanent abode." What would you term "permanent abode"?

Mr. ANTHONY. I would say the man's home. The purpose of that language is to meet the objection which was raised that a farmer or a farmer's boy would be compelled to have one of these Government licenses, and the language that the gentleman has just quoted relieves the farmer or the landowner or any member of his family from paying this tax for hunting migratory birds on the lands he owns or on the land whereon he resides.

Mr. LINTHICUM. I think that is a very wise provision, but I have in mind my own situation as well as that of many other persons. For instance, you own a farm and you spend two or three months there in the summer, is that your permanent abode or are you precluded from hunting on your own property?

Mr. ANTHONY. I would not like to resolve myself into a supreme court and decide that question.

Mr. LINTHICUM. Does not the gentleman think we ought to have some better language than that?

Mr. ANTHONY. I am fixed the same way as the gentleman. I have a farm where I hunt migratory birds. I live there part of the year. I would construe that as my place of abode.

Mr. ANDREW. Will the gentleman yield?

Mr. ANTHONY. I yield, but I would like to reserve the balance of the time for other gentlemen.

Mr. ANDREW. If I understand correctly the restrictions upon hunting and shooting in this bill, they apply not only to the game refuges which will be purchased but to hunting and shooting of migratory fowl everywhere.

Mr. ANTHONY. Only the same restrictions that are now in force by regulation of the Department of Agriculture under the migratory bird treaty act which confers that power, and which they already exercise. This bill confers no new power, as I have said to gentlemen.

Mr. ANDREW. One of the objects the gentleman has stated with regard to this bill is to provide additional game refuges for migratory birds. Is there not another reason in the endeavor to correct deficiencies in State legislation now existing with regard to hunting and shooting?

Mr. ANTHONY. No; I think most of the States have fairly adequate game laws, but the States are unable to provide these game refuges, these feeding grounds, these resting places for migratory birds, because in many of the States the birds are resident one month and the same birds are subject to the control of another State the next month.

Mr. ANDREW. The real purpose, then, is to provide game refuges?

Mr. ANTHONY. Yes. We have largely taken away the natural homes of these birds. We have drained the shallow lakes and the swamps, and this is a bill to conserve a part of the remaining ground in this country so that these birds may be perpetuated.

Mr. ANDREW. Last year we passed a bill authorizing the purchase of tracts of land along the Mississippi Valley in six or seven States.

Mr. ANTHONY. We did.

Mr. ANDREW. Why should we not follow a similar method for the purchase of further tracts, asking for an appropriation rather than the passage of this bill?

Mr. ANTHONY. The bill to conserve the upper Mississippi territory was a commendable one principally for the purpose of providing breeding ground for fishes. It passed the House by unanimous consent, but it will cost the Public Treasury five or six million dollars to carry it into effect. We are making the first appropriation of $1,500,000 this session for that laudable purpose. If you pass this bill, you are going to start the conservation of the migratory bird life of the entire country, and it will not cost the general taxpayer a cent. This is one of the few measures that I have seen to carry out the great policy of conservation that does not cost the Treasury 1 cent.

Mr. ANDREW. Can the gentleman give an estimate of how much ought to be expended in order to provide for the refuges?

Mr. ANTHONY. It is estimated that this measure will raise $1,000,000 or $1,250,000 a year.

Mr. ANDREW. And 45 per cent of that will be spent for refuges?

Mr. ANTHONY. Probably 65 per cent will be used for that purpose. But it will take several years before any considerable amount of land will be taken for that purpose. Undoubtedly a large part of it will be obtained by gifts, lease, and from other sources.

Mr. ANDREW. How much is it estimated the enforcement of the law aside from the purchase will cost?

Mr. ANTHONY. Under the terms of the bill 45 per cent will be available for administration and for that purpose. The Government has now 25 game wardens. I have been informed that after the bill is in operation it ought not to take more than 50 or 60 over the entire country after the refuges are established in any State.

Mr. ANDREW. Does the gentleman think six game wardens to a State would be sufficient to make sure that all hunters have a Federal license?

Mr. ANTHONY. We will trust to the honor of the hunters to comply with this law. The gentleman must understand that there are several million duck hunters who are asking for this legislation, and in my opinion 90 per cent of them would be glad to comply with the law.

Mr. ANDREW. One more question: As to the number of your employees in Washington to register the licenses. The gentleman says that there are 6,000,000 hunters.

Mr ANTHONY. Probably a million licenses will be issued the first year because all would not take out a license for migratory birds.

Mr. ANDREW. But that million hunters would have to be registered in Washington?

Mr. ANTHONY. The licenses are issued by the postmasters of the country and undoubtedly would be registered here. It would probably require the services of a dozen clerks to do it.

Mr. SINNOTT. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SINNOTT. Would this provision in the bill with regard to licenses do away with the State license?

Mr. ANTHONY. No; this is in addition.

Mr. SINNOTT. I would like to ask whether or not the committee has considered whether this bill contemplates the right of eminent domain or condemnation?

Mr. ANTHONY. It does not.

Mr. SINNOTT. If it does the bill should be cleared up on that point.

Mr. ANTHONY. It does not, so far as I know.

Mr. SINNOTT. I call the gentleman's attention to section 3, giving the Secretary of Agriculture the right to purchase areas of land; now we have an act of Congress, the act of 1888, which provides that whenever an official of the Government is given the right to purchase land he is automatically given the right to evoke the power of eminent domain, the right of condemnation. There is no question about that.

Mr. ANTHONY. I think section 4 would take care of that, because it provides for obtaining no land whatever unless the legislature agreed.

Mr. SINNOTT. That relates to the deed and instrument of conveyance, and that it shall not be accepted until approved by the Secretary of Agriculture, but it does not take away

the right of eminent domain, given under section 3, when you read section 3 in connection with the act of 1888.

Mr. ANTHONY. I do not think the right of eminent domain is conferred by this bill.

Mr. SINNOTT. The gentleman would not have any objection to eliminating it, would he?

Mr. ANTHONY. No.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GARBER. The gentleman has made a very informative presentation of the provisions of the bill, and he has asserted that the penalties are not as drastic as the former one. Does the gentleman believe that the civil liability of $5 for the first offense, provided for in the bill, is sufficient to enforce the provisions of this bill, because without a sufficient penalty the law becomes a dead letter on the statute books.

Mr. ANTHONY. In my opinion the penalties provided in the bill, which are very mild, will be sufficient to enforce the law, because the right is given by the officer to seize the gun of the offender and hold the gun for the payment of this civil liability of $5. While it is mild it will be effective.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker, having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 27. An act to compensate the Chippewa Indians of Minnesota for timber and interest in connection with the settlement for the Minnesota National Forest;

H. R. 166. An act authorizing the Secretary of the Interior to issue patent to the city of Redlands, Calif., for certain lands, and for other purposes;

H. R. 2419. An act for the relief of Michael Curran;

H. R. 2689. An act to consolidate certain lands within the Snoqualmie National Forest;

H. R. 2720. An act to authorize the sale of lands in Pittsburgh, Pa.;

H. R. 3927. An act granting public lands to the town of Silverton, Colo., for public park purposes;

H. R. 4114. An act authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.;

H. R. 4202. An act to amend section 5908, United States Compiled Statutes, 1916 (Rev. Stat., sec. 3186, as amended by act of March 1, 1879, ch. 125, sec. 3, and act of March 4, 1913, ch. 166);

H. R. 4825. An act for the establishment of industrial schools for Alaskan native children, and for other purposes;

H. R. 5170. An act providing for an exchange of lands between Anton Hiersche and the United States in connection with the North Platte Federal irrigation project;

H. R. 5612. An act to authorize the addition of certain lands to the Mount Hood National Forest;

H. R. 9724. An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory, and for other purposes;

H. R. 6436. An act for the relief of Isidor Steger;

H. R. 6651. An act to add certain lands to the Umatilla, Wallowa, and Whitman National Forests in Oregon;

H. R. 6695. An act authorizing the owners of the steamship *Malta Maru* to bring suit against the United States of America;

H. R. 6853. An act to relinquish the title of the United States to the land in the preemption claim of William Weekley, situate in the county of Baldwin, State of Alabama;

H. R. 7631. An act for the relief of Charles T. Clayton and others;

H. R. 7780. An act for the relief of Fred J. La May;

H. R. 7821. An act to convey to the city of Astoria, Oreg., a certain strip of land in said city;

H. R. 8169. An act for the relief of John J. Dobbertin;

H. R. 8226. An act granting relief to the First State Savings Bank of Gladwin, Mich.;

H. R. 8267. An act for the purchase of land adjoining Fort Bliss, Tex.;

H. R. 8298. An act for the relief of Byron S. Adams;

H. R. 8333. An act to restore homestead rights in certain cases;

H. R. 8366. An act to add certain lands to the Santiam National Forest;

H. R. 8410. An act to change the name of Third Place NE. to Abbey Place;

H. R. 8438. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River from Cliff Street, McKeesport, to a point opposite in the city of Duquesne;

H. R. 9028. An act to authorize the addition of certain lands to the Whitman National Forest;

H. R. 9160. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties and otherwise;

H. R. 9495. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery;

H. R. 9537. An act to authorize the Secretary of Commerce to transfer to the city of Port Huron, Mich., a portion of the Fort Gratiot Lighthouse Reservation, Mich.;

H. R. 9688. An act granting public lands to the city of Red Bluff, Calif., for a public park;

H. R. 9700. An act to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan;

H. R. 10143. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.;

H. R. 10348. An act authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold donated to the United States for park purposes;

H. R. 10411. An act granting desert-land entrymen an extension of time for making final proof;

H. R. 10412. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River;

H. R. 10590. An act authorizing the Secretary of the Interior to sell certain land to provide funds to be used in the purchase of a suitable tract of land to be used for cemetery purposes for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians;

H. R. 10596. An act to extend the time for commencing and completing the construction of a dam across the Red River of the North;

H. R. 11030. An act to revive and reenact the act entitled "An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.," approved May 31, 1921;

H. R. 11214. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910;

H. R. 11255. An act granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

H. R. 11445. An act to amend the national defense act;

H. R. 11500. An act to amend the act entitled "An act to consolidate national forest lands";

H. R. 11668. An act granting consent of Congress to the States of Missouri, Illinois, and Kentucky to construct, maintain, and operate bridges over the Mississippi and Ohio Rivers at or near Cairo, Ill., and for other purposes;

H. R. 11952. An act to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park; and

H. J. Res. 342. Joint resolution to authorize the appointment of an additional commissioner on the United States Lexington-Concord Sesquicentennial Commission.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 5722) authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. CAPPER, and Mr. FLETCHER as the conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 339. An act for the relief of Harry Scott;

S. 449. An act for the relief of Katherine Southerland;

S. 1229. An act for the relief of the estate of Moses M. Bane;

S. 2013. An act for the relief of Immaculato Carlino, widow of Alexander Carlino;

S. 2253. An act for the relief of the P. Dougherty Co.;
S. 2294. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service;
S. 2438. An act for the relief of Helen M. Peck;
S. 2441. An act for the relief of R. Clyde Bennett;
S. 2454. An act to extend the benefits of the employers' liability act of September 7, 1916, to Gladys L. Brown, a former employee of the Bureau of Engraving and Printing, Washington, D. C.;
S. 2491. An act for the relief of August Michalchuk;
S. 2619. An act for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased;
S. 2780. An act for the relief of William Wooster;
S. 2895. An act for the relief of W. P. Dalton;
S. 2896. An act for the relief of Joseph B. Tanner;
S. 2935. An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives;
S. 3118. An act to authorize the Rock Creek and Potomac Parkway Commission to dispose of certain parcels of land;
S. 3153. An act to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum;
S. 3203. An act for the relief of Joseph Harkness, jr.;
S. 3264. An act for the relief of Horace G. Knowles;
S. 3303. An act for the relief of Frederick MacMonnies;
S. 3377. An act for the relief of George E. Taylor;
S. 3618. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols;
S. 3721. An act authorizing the Secretary of the Treasury to exchange the present customhouse building and site located in Denver, Colo.;
S. 3839. An act to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes;
S. 3850. An act for the relief of Mark J. White;
S. 3899. An act to create a Library of Congress trust fund board, and for other purposes;
S. 4016. An act for the relief of the Royal Holland Lloyd, a Netherland corporation of Amsterdam, the Netherlands;
S. 4045. An act granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.;
S. 4207. An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes;
S. 3378. An act for the relief of Isabelle R. Damron, postmaster at Clintwood, Va.;
S. 3379. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake in the State of Wisconsin;
S. 3510. An act for the relief of James Doherty;
S. 3514. An act authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson;
S. 3549. An act for the relief of Roy A. Darling;
S. 3581. An act for the relief of Francis J. Young;
S. 4209. An act to authorize the building of a bridge across the Santee River in South Carolina;
S. 4210. An act to authorize the building of a bridge across the Congaree River in South Carolina;
S. 4211. An act to authorize the building of a bridge across the Catawba River in South Carolina;
S. 4212. An act to authorize the building of a bridge across the Broad River in South Carolina;
S. 4213. An act to authorize the building of a bridge across the Santee River in South Carolina;
S. 4214. An act to authorize the building of a bridge across the Savannah River between South Carolina and Georgia;
S. 4217. An act granting the consent of Congress to the Susquehanna Bridge Corporation and its successors to construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.;
S. 4225. An act to extend the times for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;
S. 4229. An act granting the consent of Congress to the State Highway Commission of North Carolina to construct a bridge across the Chowan River at or near the city of Edenton, N. C.;
S. 4230. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial;
S. 4239. An act to provide for the exchange of certain lands now owned by the United States in the town of Newark, Del., for other lands;
S. 4254. An act for the relief of Ishmael J. Barnes;
S. 4289. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;
S. 4301. An act authorizing any tribe of Indians of California to submit claims to the Court of Claims;
S. J. Res. 117. Joint resolution transferring the possession and control of the Fort Foote Military Reservation in Prince Georges County, Md., to the Chief of Engineers of the Army, to be administered as a part of the park system of the National Capital;
S. J. Res. 178. Joint resolution to provide for the loaning to the Pennsylvania Academy of the Fine Arts of the portraits of Daniel Webster and Henry Clay;
S. J. Res. 184. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in a permanent international trade exposition at New Orleans, La., to begin September 15, 1925; and
S. J. Res. 186. Joint resolution authorizing the sale of the old Federal Building at Toledo, Ohio.

MIGRATORY BIRD REFUGES

The committee resumed its session.

Mr. KINCHELOE. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I understood my good friend from Texas [Mr. HUDSPETH] to inquire of the gentleman from Kansas [Mr. ANTHONY] a few moments ago whether it is not a fact that the Committee on Agriculture has so amended this bill as to remove the fundamental objections which were made to it when it was before this House for consideration in February, 1923, and I understood the gentleman from Kansas to reply to that that he thought probably that is true. If I may be permitted to speak for myself upon that subject, I was one of those who very earnestly, and with such vigor as I could, opposed this measure in 1923, and the changes which have been made in it by this committee do not in any sense go to the fundamental objections that I then had and have now to this bill. Here is the trouble about this bill. This is another extension of Federal power out to control the individual citizen of the States. It is the imposition of a license fee, the exercise of a police power by the Federal Government. I doubt if its constitutionality will be sustained by the Supreme Court, if it ever gets into the court. I do know that if it is, then you have by the bill, when you shall have passed it, added but another to those extensions of the Federal arm down into the intimate things of local life which will add more and more to the irritation produced now by so many Federal activities reaching out among the people of the country. That is the great objection to this bill. Of course, there are other phases of it which will be discussed under the five-minute rule, but so long as that license system remains in the bill, so long as you undertake to confer police power upon the Federal Government, the fundamental objections remain there.

Mr. Chairman, I know the tremendous propaganda behind this bill. I remember having said, in discussing it before, that it is a matter of deep regret to me that I felt constrained to oppose things that the organized sportsmen of the country desire, because the sportsmen are almost invariably fine gentlemen and good fellows, but they are putting the Federal Government into the doing of a thing without thinking just what they are doing. That is extremely dangerous. Oh, gentlemen, if we keep on adding to those irritations by extending the Federal arm into the intimate things of local life, I shudder to think of what we may expect! Hardly a week of this session, it sometimes seems to me, has passed without our adding Federal judges, and why? Because of the vast increase of Federal activities. A letter came to my office the other day urging the employment of two circuit judges in one of the circuits, pointing out that the increase in the work coming about under the various prohibition laws and interstate commerce laws and all these things had been so great that it was impossible for the present circuit judges to keep up with the work.

We have that plea made again and again. Pass this bill and then how much more of trouble have you brought to the Federal courts? Oh, it is said that it is a little thing; and they talk about the provision here that a man may be permitted to shoot on his own land. That is a minor thing in this matter, so far as my conception of the bill goes; but, after all, it does not mean that a man is entitled to shoot on his own land except as it happens to be his home, where he lives. I happen to live in a little town and have a home in town. I have a small farm

out half a mile from the town. Under this bill I could not go out there on my own farm and shoot at a dove without taking out a Federal license. Why? Because my home is in the town. The man who owns bottom lands can not go out there and hunt unless his home is where the bottom lands are.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. And if we once pass this bill and give them the power, then some future Congress will come along and take that little right away and require a man to take out a license to shoot even on his own land. That was what was proposed two years ago.

Mr. GARRETT of Tennessee. Surely. Mr. Chairman, this is a sportsman's bill. This bill is not for the benefit of local people who occasionally go out and shoot at a migratory bird, as the gentleman from Virginia [Mr. MONTAGUE] said in discussing this matter two years ago. I was reading his speech this morning. This can not be for the benefit of the local citizen, as he then pointed out very specifically, because the only people who can use these refuges will be those who travel long distances and are able to do so.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. AYRES. The gentleman says it can not be for the benefit of the local people. I expect the gentleman remembers when there were quite a lot of wild pigeons in this country and that we can not find one to-day because they had no protection. It would be for the benefit of the local people if we had opportunity now to shoot at such birds.

Mr. GARRETT of Tennessee. I do not remember when the wild pigeon existed, but I have heard much of it from citizens who do remember it very well. The wild pigeon was not just killed off. There is a mystery about the disappearance of the wild pigeon.

Mr. MONTAGUE. It was impossible to kill them out.

Mr. GARRETT of Tennessee. There is a continual dispute about that. It is impossible to tell what became of them, but they were not shot out of existence. Mr. Chairman, all that ought to be done in this bill that is worth while can be done through State activity and State laws. Why should the Federal Government enter into this field? Let me tell you a thing that happened down in my district two or three years ago.

A lady was lying sick, and a peckerwood commenced knocking on the wall of her house. Her husband, who I suppose did not know anything about this migratory bird act, and certainly did not know that a peckerwood is a migratory bird—or if he did, he did not think anything about it or care anything about it—took a shotgun and killed it. In a few days there came a Federal game warden, who had heard of the matter in some way. The man was arrested and dragged nearly 100 miles to a Federal court and arraigned there with 110,000,000 against him for killing a peckerwood that was disturbing his sick wife!

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. STEVENSON. Has the gentleman noticed, while they say this penalty should be only $5, that section 6 prohibits any person from taking a migratory bird and so on, and under the penalty clause in section 16 the taking under section 6 is made a penal offense punishable as under the act of July 3, 1918, which imposes a fine of $500 or six months in jail, or both?

And the clause which defines what the taking is says that even an attempt to take is a taking. So the penalty is not so light.

Mr. GARRETT of Tennessee. The only thing that surprises me is that they did not write in that the thought about taking would be an offense.

Mr. GARBER. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. I will yield.

Mr. GARBER. Will the gentleman state whether or not he has any consideration of the main purpose of the bill, which is for the preservation of the wild game of the country?

Mr. GARRETT of Tennessee. I am. Let me say to the gentleman this: I supported last year that measure which passed, which authorized negotiating with the different States eventually to purchase large areas of land to be used for game refuges. I am willing to go as far as good economy and business will permit of going in appropriating funds out of the Federal Treasury to purchase refuges; but what I object to is putting the Federal Government to doing a business that it ought not to do. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARBER. Will the gentleman yield for an additional question?

Mr. GARRETT of Tennessee. My time has expired; I would be glad to do so otherwise.

Mr. KINCHELOE. I yield five minutes to the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Chairman and gentlemen of the committee, I find myself in a peculiar position in reference to this bill. With the general purposes of the act, namely, to conserve the wild bird life of this country, I am in entire accord. I believe the bird life of this country should be preserved. Under this act it is perfectly clear that the Secretary of the Interior may set apart large tracts of land in the public-land States for these refuges without the consent of the legislature of the State. Now, why should not the legislature be consulted in the public-land States as well as in every other State of the Union? Federal bureaus now set aside areas for bird refuges. In my own district they have set apart a large tract, and it is well known that they expect to go into my district as one of the first places where some of this money will be expended and establish one of the refuges. Now, suppose they do that and do not create a public shooting ground near. What will happen? Wealthy men have already acquired in that vicinity large tracts of land, privately owned, on which they have private shooting clubs. If the Government creates in that vicinity a game refuge and does not create a public shooting ground, you will simply breed birds for the wealthy to shoot and the poor man will have no place at all. It is against that feature of the bill particularly that I must object. Oh, they say they propose to create a public shooting ground, but there is no guaranty that they will. If you give it to the rest of the States of the Union to decide where these refuges are to be established, why not give it to the public-land States and let their legislatures be consulted and give their consent before the game refuge is set apart? One other feature, gentlemen, I want to address myself to. You men may not realize it, but there are parts of my district that are 250 miles from a Federal court. Now, suppose a violation of section 6 occurs? There is nothing to do but to take the man who denies his guilt 250 miles to trial. He may be taken before a United States commissioner, but you must bear in mind a United States commissioner has only authority to determine whether there is probably cause that the crime has been committed and can not try the defendant. He must be taken 250 or 300 miles before he can be tried.

Mr. ANTHONY. If the man commits a crime of counterfeiting, which is involved in the section referred to, ought he not to be taken 250 miles or 300 miles?

Mr. COLTON. You are speaking of section 11; I am speaking of section 6. I do object to section 6, the penalties are not the same as section 11. If he violates the provisions of section 6 then he must be taken 250 or 300 miles to be tried.

Mr. HUDSPETH. The gentleman does not object to the Government creating forest reserves, does he, at the present time, without the consent of the legislature of those public land States?

Mr. COLTON. Certainly not.

Mr. HUDSPETH. Why does the gentleman object to creating a reserve for birds, for these breeding grounds?

Mr. COLTON. Oh, Mr. Chairman, the conditions are entirely different.

Mr. HUDSPETH. How; in what way?

Mr. COLTON. The forest reserves are set aside for use, these tracts are set aside for nonuse except only for the birds.

Mr. HUDSPETH. Those who went on these public grounds pay a dollar.

Mr. COLTON. They are not allowed to go on refuges, only on shooting grounds.

Let me say, gentlemen, again, I am in favor of preserving game life. My State does protect it. Indeed, we have one of the best game departments in the United States. Nor do I want to be misunderstood as being against the shooting clubs to which I referred a moment ago. They have done a wonderful work in my district. They are in favor of this legislation and I believe, not for selfish purposes. I am simply pleading that somewhere, somehow, we insure a shooting place for the poor man.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINCHELOE. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW. Mr. Chairman and gentlemen, the gentleman from Kansas [Mr. ANTHONY] has defined very clearly the purposes of this bill. He states that it was not designed to correct inadequacies and deficiencies in existing State legislation or lax enforcement of State legislation, but that the State laws are generally satisfactory and well enforced. It has one purpose—to provide game refuges, grounds in perpetuity, as the rule

read, for our migratory fowl. That being the case the question at once occurs, Why should we not follow the method which we followed last year in the purchase of tracts of land along the Upper Mississippi Valley authorized by that law? Why should we not purchase such lands as are necessary for the purpose through direct appropriations? I should gladly vote for such appropriations within all reasonable limits.

In order merely to secure such game refuges this bill proposes an elaborate system of laws and enforcement officers covering the whole United States. It proposes to establish Federal hunting laws covering not merely the tracts of land reserved for that purpose, but governing shooting and hunting throughout the entire country in addition to existing State laws. It proposes to duplicate the game bureaus of our several States by establishing similar bureaus in the Federal Government and to require every man who desires to hunt or shoot to take out a Federal license in addition to his State license. That means something between 1,000,000 and 6,000,000 Federal licenses, all of which would have to be registered here in Washington.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. ANDREW. Yes.

Mr. BRIGGS. Does the gentleman understand that if this act were carried into effect it would supersede the State laws if they were in conflict with it?

Mr. ANDREW. Undoubtedly it would supersede such State laws.

The gentleman from Kansas said that in order to administer this law we should probably have to have only 50 or 60 game wardens in addition to those we now have. Undoubtedly the law would promptly become a dead letter in that event. To attempt to regulate hunting and shooting throughout the country and make sure that every hunter has a license with only 40 or 50 wardens in the United States would mean either that the law would become a dead letter like many other Federal laws, or that the number of wardens would have to be vastly multiplied. We might start with 50, but we should end with 5,000.

I want to call your attention to another fact: That in order to secure this money from the licenses for the purchase of these game refuges more than twice the amount of money necessary for their purchase would have to be collected. Under this bill about 55 per cent of all the money derived would go to the cost of administration and only 45 per cent would be devoted to the purchase of the refuges.

As the gentleman from Tennessee [Mr. GARRETT] well said, this measure marks only one more step in the general trend of taking from the States their authority over our daily lives and turning it over to the Federal Government; one more step toward making our Federal Government more obnoxious.

Mr. MOREHEAD. Mr. Chairman, will the gentleman yield?

Mr. ANDREW. Yes.

Mr. MOREHEAD. I understand the Federal Government under the present law now prohibits the killing of birds before sunup or after sundown.

Mr. ANDREW. The treaty perhaps provides for that; but it requires substantive legislation to enforce it.

Mr. MOREHEAD. It is enforced in my section of the country.

Mr. ANDREW. It is not in mine.

Mr. HASTINGS. The gentleman speaks of its breaking down State authority. Would the gentleman develop that a little?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KINCHELOE. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, this bill is only just a little less bad than the same bill which two years ago, on February 13, 1923, had its enacting clause stricken out by a vote of 154 to 135. Let me show you exactly who voted to strike out the enacting clause then. It was the representative membership of this House. Let me name them:

Abernethy, Ackerman, Andrew of Massachusetts, Aswell, Bankhead, Bell, Benham, Bixler, Black, Bland of Virginia, Blanton, Boies, Bowling, Box, Brand, Briggs, Bulwinkle, Burton, Byrnes of South Carolina, Byrns of Tennessee, Cannon, Cantrill, Christopherson, Clark of Florida, Clouse, Collier, Collins, Colton, Connally of Texas, Coughlin, Crago, Crisp, Curry, Davis of Tennessee, Deal, Dickinson, Dominick, Doughton, Drewry, Driver, Dupré, Ellis, Evans, Favrot, Fields, Fisher, Frothingham, Fuller, Fulmer, Gahn, Garrett of Tennessee, Garrett of Texas, Gensman, Gifford, Goldsborough, Green of Iowa, Greene of Vermont, Hammer, Hardy of Texas, Hawley, Herrick, Hill, Hoch, Hooker, Huddleston, Hudspeth, Hull, Humphreys of Nebraska, Humphreys of Mississippi, Jeffers of Alabama, Johnson of Kentucky, Johnson of Mississippi, Jones of Texas, Kelley of Michigan, Kincheloe, Kline of Pennsylvania, Kopp, Kunz, Langley, Lanham, Lankford, Larsen of Georgia, Lazaro, Lee of Georgia, Lehlbach, Logan, London, Lowrey, Lyon, McDuffie, McKenzie, McSwain, MacGregor, Mansfield, Martin, Michener, Mondell, Montague, Moore of Virginia, O'Connor, Oldfield, Olpp, Paige, Pou, Quin, Radcliffe, Rainey of Illinois, Rankin, Rayburn, Riordan, Robsion, Rouse, Rucker, Sabath, Sanders of Texas, Sandlin, Scott of Tennessee, Sears, Shaw, Sinnott, Sisson, Slemp, Smith of Idaho, Smithwick, Sproul, Stafford, Steagall, Stedman, Steenerson, Stevenson, Sumners of Texas, Swank, Tillman, Tinkham, Towner, Treadway, Tucker, Turner, Tyson, Upshaw, Vinson, Volstead, Ward of North Carolina, White of Maine, Williams of Texas, Williamson, Wilson, Wingo, Winslow, Wise, Woods of Virginia, Wright, Wurzbach, and Yates.

Mr. RATHBONE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am sorry I can not.

It took in the then majority leader of this House. It took in the present minority leader of this House. It took in Uncle Joe Cannon, who had been Speaker of this House.

You now want to pass a bill that will take $50,000 out of the Treasury as an initial appropriation, to appoint another commission that may hereafter cost hundreds of thousands of dollars annually, to provide for an expenditure of thousands of dollars each year in the District of Columbia for all sorts of Federal employees, to provide office space for them, to provide furniture and stationery and clerks and secretaries and traveling Federal agents to go into every State of the Union. That is what you are proposing in this bill, and I am not going to vote for it, and I hope you will not do it.

Let me tell you what kind of birds our farmer boys back home can not shoot any longer, unless they first get a Federal license and unless they first apply to the Federal Government for permission to take their own shotguns out and do a little hunting. Here is what they can not kill: Ordinary teal, or summer duck; ordinary sand-hill crane, ordinary curlew, ordinary plover, ordinary snipe, ordinary woodcock, and, as Mr. GARRETT says, "pecker-wood" [laughter]; the ordinary dove, the dove that is raised near your own back gallery sometimes, and may not go over half a mile away from its nesting place. Yet you call that a "migratory bird."

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSPETH. The State law covers that now.

Mr. BLANTON. Of course, the State law covers that. But you do not have to get a Federal license from Washington and have Federal agents bothering you. This bill prohibits a farm boy from killing an ordinary catbird, ordinary chickadee, ordinary humming bird, ordinary martin, ordinary meadow lark, ordinary bull bat, ordinary titmouse, ordinary robin, ordinary swallow, ordinary whippoorwill, ordinary woodpeckers, ordinary wren, and any perching bird that feeds chiefly on insects, which includes the crow. Everybody wants the crow killed. People everywhere want it killed.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I thought I had six minutes, Mr. Chairman.

The CHAIRMAN. The gentleman started speaking at 3.29 and it is now 3.35.

Mr. BLANTON. The distinguished gentleman from Massachusetts can beat me counting. Gentlemen, I hope you will strike the enacting clause out this time, too, and send this bill back to the graveyard where it belongs.

Mr. KINCHELOE. Mr. Chairman, I am sure there is no Member of this House any more in sympathy with the purposes of this bill than I am. I heard the hearings before the Committee on Agriculture on this bill and on the one that was defeated at a prior session of Congress. I am opposed to the principle of this bill. Like the gentleman from Tennessee [Mr. GARRETT], I was a very enthusiastic advocate of the bill that was before the last Congress to buy land on the upper Mississippi River for game refuges and to propagate fish. I am convinced that you may have a billion migratory birds, but in their flights from the North to the southern waters of the United States, if you do not provide feeding grounds and resting grounds for them, you will soon have none.

But this bill is of such national import and of such importance to posterity that I believe what the United States ought to do is to set aside feeding grounds and resting grounds and pay for them out of the Treasury of the United States, rather than to go to the citizenship who want to hunt and make them pay for them.

Kentucky belongs in the same zone with Illinois and Indiana under the act enforcing the United States and Canadian treaty. A part of the open season for shooting quail in Kentucky and the open season for shooting migratory birds comes at the same time. You can imagine a farmer's boy going to the county clerk's office and getting a State license to shoot quail; the open season for a migratory bird is at the same time, and he goes out with his dogs and his gun. When his dogs flush a bird, and knowing that the Federal law applies at that time, he will not know whether to shoot, because it might be a duck, and if he shoots at a duck he will violate a Federal law and be subjected to this penalty. Before he can tell whether it is a duck or a quail the quail will be out of sight and he will not be able to make his shot.

Mr. AYRES. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. AYRES. Did the gentleman ever see a bird dog set a duck?

Mr. KINCHELOE. Well, a dry moccasin bird dog like they have in Kansas will not set either. Such a dog would not know a duck from a quail.

Mr. TINCHER. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. TINCHER. Does the gentleman think a man ought to be allowed to carry a gun who can not tell a duck from a quail?

Mr. KINCHELOE. I do not know about that; but I think when a man pays for a State license which gives him the authority to shoot quail he ought to have that right without any fear of the Federal Government to shoot a migratory bird without buying a Federal license. So I hope this bill will be defeated in order that Congress may pass a bill of such national import as will protect these birds but protect them through the Treasury of the United States.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired, and the Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act shall be known by the short title of "Migratory bird refuge act."

SECTION 1. That a commission to be known as the "Migratory Bird Refuge Commission," consisting of the Secretary of Agriculture, who shall act as its chairman, the Secretary of Commerce, the Postmaster General, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such land, water, or land and water, as may be recommended by the Secretary of Agriculture for purchase or rental under this act and to fix the price or prices at which such areas may be purchased or rented; and no purchases or rentals shall be made of any such areas until they have been duly approved for purchase or rental by said commission. The members of the commission hereby created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as for original appointment.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question with reference to this bill because, as I read the committee amendment appearing on page 10, and section 12, in connection with section 219 of the Penal Code of the United States, this bill creates a new penal offense which is punishable by a fine of not more than $500 or imprisonment for not more than five years, or both. On page 10, in section 16, there is this provision:

That any person, association, partnership, trust, or corporation, who shall violate any of the provisions of section 12 of this act, shall be punished as is provided for in section 219 of the act of March 4, 1909, entitled, "An act to codify, revise, and amend the penal laws of the United States."

Now, section 12 of the pending act provides:

That no person shall imitate or counterfeit any license authorized by this act, or any die, plate, or engraving therefor, or make, print, knowingly use, sell, or have in his possession any such counterfeit license, die, plate, or engraving.

Section 219 of the Penal Code, which is the act to codify, revise, and amend the penal laws of the United States, passed on March 4, 1909, deals entirely with counterfeiting and the penalty therefor. If I understand the pending bill correctly, it provides that if somebody counterfeits a license issued under the act he is subjected to a penalty of not more than $500 or imprisonment for not more than five years, or both. I would like to ask the chairman of the committee if it is not true that this bill deliberately applies this extraordinary penalty to a new class of Federal offenses.

Mr. TINCHER. The gentleman would not say it was a new class, would he? It would be counterfeiting, would it not?

Mr. HILL of Maryland. Oh, yes; it would be counterfeiting.

Mr. TINCHER. And the penalty would not necessarily be severe, would it?

Mr. HILL of Maryland. But it is a totally different thing. Section 219 applies to the counterfeiting of securities or stamps of the United States, while this applies to a person who shall imitate or counterfeit a one-dollar license authorized by this act, or any die, plate, or engraving therefor, or make, print, knowingly use, sell, or have in his possession any such counterfeit license, die, plate, or engraving. If anybody knowingly does that, he is in danger of serving five years in a Federal penitentiary.

Mr. TINCHER. That is exactly the same language used with regard to the counterfeiting of cigar licenses, and the gentleman will find that section 219 has been amended, through the use of similar language as contained in section 12, seven or eight times by the Congress of the United States where they wanted to protect a document or license issued by the United States.

It has always been the practice of the Congress, when it wanted to prevent counterfeiting, to use that language. Of course, the penalty might be severe or it might not be severe. That would be in the discretion of the court that tried the case. Would the gentleman desire to limit the court in its right to inflict a penalty for the counterfeiting of cigar licenses?

Mr. HILL of Maryland. I will say to the gentleman that I consider the possession of a counterfeited license to shoot a small bird a very different thing from counterfeiting securities.

Mr. TINCHER. How about cigar licenses?

Mr. HILL of Maryland. I am glad the gentleman has asked the question. Cigar stamps are required by the Internal Revenue act and are the equivalent of the money paid for them in taxes.

I would like, if possible, to vote for such a bill as this, and I have said, in answer to innumerable requests to vote for it, that I would vote for it if it did not extend the penal jurisdiction of the United States. As I understand the bill it does apply a possible jail sentence of five years for the violation of section 12, and I do not see how it would be possible for me to vote for such a measure as is contained in this bill.

Gentlemen, you are asked to create new Federal crimes. Before you do this I want to discuss with you the general question of Federal crimes, Federal criminal jurisdiction, and especially jail sentences.

The gentleman from New York [Mr. STALKER] before a subcommittee of the Judiciary Committee on March 11, 1924, remarked:

Some months ago I met Mr. Volstead and I asked him what was the trouble with the Volstead Act and with the national prohibition amendment, and he stated that the trouble was that it did not have teeth, that it should read "fine and imprisonment," rather than "fine or imprisonment."

We are discussing "teeth" for the migratory bird bill. To-day there is pending in the House H. R. 728, which is intended to "put teeth" into the Volstead Act. In reference to this bill Mrs. Willebrandt, Assistant Attorney General, in charge of Volstead cases, said:

I am dwelling especially on section 29 of this act. The others are good, but that is essential.

While we are discussing the question of Federal "teeth," raised by section 16 of the pending bill, I think it will be helpful if we look at this section 29 of the Volstead Act as an illustration of absurd inequality in Federal punishments.

Section 29 of the Volstead Act as proposed to be amended by the Stalker Act is as follows:

Section 29 of Title II of the national prohibition act, as amended and supplemented, is amended to read as follows:

"SEC. 29. Any person who manufactures or sells liquor in violation of this title or forges any permit, or physician's prescription, or knowingly possesses any such forged permit, or physician's prescription, provided for in this act, shall, for a first offense, be fined not less than $300 nor more than $1,000 and imprisoned not less than 90 days nor more than 1 year, and for a second or subsequent offense shall be fined not less than $600 nor more than $2,000 and be imprisoned not less than 1 year nor more than 10 years.

"Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this title, or violates any of the provisions of this title, for which offense a special penalty is not prescribed, shall be fined for a first offense not less than $100 nor more than $500; for a second offense not less than $300 nor more

than $1,000 or be imprisoned not more than 90 days; for any subsequent offense he shall be fined not less than $600 nor more than $2,000 and be imprisoned not less than six months nor more than two years. It shall be the duty of the prosecuting officer to ascertain whether the defendant has been previously convicted and to plead the prior conviction in the affidavit, information, or indictment. The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

The latter part of this section is exactly like the present section 29 of the Volstead Act and is worthy of special consideration. Let us read it again:

The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in the home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar.

The Stalker bill, purporting to "put teeth" into the Volstead Act, expressly keeps up the Volstead theory of a law entirely toothless as to cider and home-made wine, but seeks to put jail sentences on the makers of one-half of 1 per cent home-made malt beverages.

You are about to pass this migratory bird bill, H. R. 745, which creates new Federal crimes, with penalties ranging from a 1 cent fine to a possible penalty of five years in the penitentiary and a $500 fine. I think that you will be interested to read the decision of a Federal court on section 29 of the Volstead Act before you create in this pending bill more absurdly, unequal sets of penalties.

There should be absolute equality under the criminal laws of the United States. The pending migratory bird bill provides a maximum of five years in the penitentiary and a $500 fine for a person who "imitates" any license to shoot a bird, when if he actually shoots a bird without such $1 permit he can get only a maximum penalty of six months in jail and a $500 fine. That is absurd, but no more so than section 29 of the Volstead Act, which the Stalker bill seeks to reenact, which says that home-made beer of one-half of 1 per cent is illegal while home-made cider or wine of one-half of 1 per cent, or even of 2.75 or 11.64 per cent, is legal.

For several years I tried to get rulings on this section, but finally, unable to learn what the law is from the Treasury Department, I forced a test case, with the following result, which is interesting not only for itself, but in connection with the penalties provided by the pending bird bill. I call your attention to volume 1 (2d), No. 7 of the Federal Reporter of December 25, 1924, at page 954, which is as follows:

UNITED STATES v. HILL

(District Court, D. Maryland. November 11, 1924)

"1. Intoxicating liquors (key) 134: Manufacture of cider or fruit juices containing more than one-half of 1 per cent of alcohol by volume for exclusive use in home not prohibited unless in fact intoxicating.

"Under National Prohibition Act, Title 2, section 3 (Comp. St. Ann. Supp. 1923, sec. 10138½aa), prohibiting the manufacture of intoxicating liquor except as authorized in the act, and section 29 (Comp. St. Ann. Supp. 1923, sec. 10138½p), specifying penalties for violation, which are inapplicable to person who manufactures 'nonintoxicating cider and fruit juices exclusively for use in his home,' the manufacture of cider and fruit juices containing more than one-half of 1 per cent of alcohol by volume, does not violate the statute where not in fact intoxicating, notwithstanding section 1 (Comp. St. Ann. Supp. 1923, sec. 10138½), defining intoxicating liquor as any fermented liquor containing one-half of 1 per cent or more of alcohol by volume, fit for use for beverage purposes.

"[ED. NOTE.—For other definitions, see Words and Phrases, First and Second Series, Intoxicating Liquor.]

"2. Intoxicating liquors (key) 13: Congress had power to establish standard for determining whether liquor was intoxicating.

"Congress had power to establish standard for determining whether liquor is intoxicating for purpose of carrying out the provisions of the eighteenth amendment.

"3. Intoxicating liquors (key) 143: Manufacture exclusively for use in home on occasions a year apart not a nuisance.

"One who manufactures intoxicating liquors exclusively for use in his own home, and not for commercial purposes, on two isolated occasions a year apart does not maintain a common nuisance in violation of title 2, section 1, of the national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138½).

"4. Intoxicating liquors (key) 134: 'Intoxicating liquors' defined.

"'Intoxicating liquor,' within national prohibition act, title 2, section 29 (Comp. St. Ann. Supp. 1923, sec. 10138½p), permitting manufacture of cider and fruit juices containing more than one-half of 1 per cent of alcohol by volume for exclusive use in home, if not in fact intoxicating, is liquor which contains such a proportion of alcohol that it will produce intoxication when imbibed in such quantities as it is practically possible for a man to drink.

"5. Intoxicating liquors (key) 224: Government had burden of proving intoxicating quality of cider and fruit juices manufactured exclusively for home use.

"In prosecution under national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138¼ et seq.) for manufacture of cider and fruit juices containing more than one-half of 1 per cent of alcohol by volume, under title 2, section 29 (Comp. St. Ann. Supp. 1923, sec. 10138½p), for exclusive home use, Government had burden of proving cider and fruit juices were in fact intoxicating, notwithstanding sections 32, 33 (Comp. St. Ann. Supp. 1923, secs. 10138½s, 10138½t)."

JOHN PHILIP HILL was indicted under the national prohibition act. Case submitted to jury.

Amos W. Woodcock, United States district attorney, and James T. Carter, assistant United States district attorney, both of Baltimore, Md.

Arthur W. Machen, jr., and Shirley Carter, both of Baltimore, Md., for defendant.

Soper, district judge: The defendant was indicted under the national prohibition act (Comp. St. Ann. Supp. 1923, sec. 10138¼ et seq.) in six counts.

The first count charged that the defendant, on September 27, 1923, at Baltimore, did unlawfully manufacture certain intoxicating liquor, to wit, 25 gallons of wine. The second count charged the unlawful possession of said wine. The third count charged that the defendant, on September 18, 1924, at Baltimore, did unlawfully manufacture certain intoxicating liquor, to wit, 30 gallons of cider.

The fourth count charged the unlawful possession of said cider. The fifth count charged that on September 27, 1923, the defendant did maintain a common nuisance at No. 3 West Franklin Street, Baltimore, by the manufacture of intoxicating liquor, to wit, 25 gallons of wine; and the sixth count charged that on September 18, 1924, the defendant did maintain a common nuisance at said place in that he manufactured 30 gallons of cider.

The Government offered evidence tending to show the manufacture and possession of the wine and cider, as charged, containing alcohol in various amounts in excess of one-half of 1 per cent thereof by volume. The Government conceded that the wine and cider were manufactured by the defendant exclusively for use in his own home at No. 3 West Franklin Street, Baltimore.

The defendant on his part offered evidence tending to show that the liquors manufactured, while containing more than one-half of 1 per cent of alcohol by volume, were not in fact intoxicating, whereupon the Government objected to the admissibility of the evidence, and the ruling hereinafter set out was made by the court. At the conclusion of the defendant's case the Government offered evidence tending to show that the liquors were intoxicating.

RULING OF THE COURT ON THE ADMISSIBILITY OF EVIDENCE

The question for decision is whether the defendant, admitting that he manufactured cider containing more than one-half of 1 per cent of alcohol by volume, but contending that it was made exclusively for use in his own home, may offer evidence to show that the cider was in fact not intoxicating.

[1, 2] While the question is not free from doubt, in my opinion such evidence may be offered. The determination of the question depends upon the construction of certain provisions in Title 2 of the national prohibition act. The doubt arises from the fact that Congress seems to have used the word "intoxicating" in a different sense in one section from that employed in another. Section 1 defines "intoxicating liquor" to include, among other things, any fermented liquor containing one-half of 1 per cent or more of alcohol by volume which is fit for use for beverage purposes. It is well settled that for the purpose of carrying out the provisions of the eighteenth amendment Congress had the power to establish this standard. (National Prohibition Cases, 253 U. S. 350, 40 S. Ct. 486, 588, 64 L. Ed. 946.) Section 3 makes it an offense for any person to manufacture intoxicating liquor except as authorized in the act. Section 29 specifies the penalties for violation of the act, and concludes with the following sentence:

"The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

The Government contends, and its contention is not without some force, that the words "nonintoxicating cider," which a person may manufacture for use in his own home, must be construed with reference to the definition of the term "intoxicating liquor" given in the first section, to wit, that it shall not contain one-half of 1 per cent or more of alcohol by volume. But it is obvious that by the concluding sentence of section 29 of the act, Congress intended that persons manufacturing nonintoxicating cider for use in their homes, and not for sale, should be in a class by themselves, at least in some particulars, otherwise the sentence has no meaning or use whatsoever. If it was intended to punish persons for manufacturing cider for use in their own homes, which contains more than one-half of 1 per cent of alcohol by volume, there was no necessity for the provision, for the act without the sentence already provided such punishment. If, on the other hand, it was intended by Congress that persons who made cider containing less than one-half of 1 per cent by volume should not be subject to punishment, there was no need for the provision, for the reason that the other provisions of the act did not provide punishment for such person. The only reasonable explanation for singling out home manufacturers of cider and fruit juices for special mention in this section, to my mind, is that Congress did not intend to subject them to the strict provisions as to the alcoholic content of the product specified in section 1, but intended to prohibit the manufacture of cider and fruit juices for home use, which should be, in fact, intoxicating. If the section is so interpreted, then there is a reason for its insertion in the act.

This interpretation of the law is borne out at least to some extent by the discussion in the United States Senate on September 4, 1919, reported in the CONGRESSIONAL RECORD, volume 58, part 5, pages 4847 and 4848, when the sentence above quoted, or part of it, was first inserted in the act by amendment.

The opinion was then expressed on the floor of the Senate by the chairman of the committee in charge of the bill that the cider and fruit juices prohibited as to manufacture for home use were those intoxicating in fact.

In order that the decision on this point may not lead to misapprehension, perhaps I should also state that it is perfectly clear that if cider or fruit juices, manufactured in the home, although exclusively for use in the home, are in fact intoxicating, it is a violation of the law to manufacture them; also, that the law specifically provides that the cider and fruit juices so manufactured shall not be sold or delivered except to persons having permits for the manufacture of vinegar.

At the conclusion of the evidence on both sides, the charge to the jury, hereinafter set out, was delivered by the court:

> "Mr. Foreman and gentlemen of the jury, the time now approaches when it is necessary for you to perform the important and grave duty of deciding the issues of fact that have been raised in this case. As you are aware, the offense with which the grand jury has charged the defendant in this case is in its nature a criminal offense, a misdemeanor in the legal term, and therefore the defendant is entitled to the application of all those rules which under our system of jurisprudence the law furnishes for the protection of one so accused. The defendant is presumed to be innocent of the charge, notwithstanding the allegations in the indictment, until the jury is satisfied of his guilt. The burden of proof is on the United States to satisfy the jury of his guilt. And the jury must be satisfied beyond a reasonable doubt, before they are authorized to find a verdict of guilty. To be convinced beyond a reasonable doubt is to have an abiding conviction to a moral certainty of the guilt of the accused. Such a doubt as would justify the acquittal of the defendant must be a doubt for which you can give a reason. You are chosen from the body of the people to try this case, and sworn to try it according to the law and the evidence, and one of the reasons why the law furnishes to defendants in such cases the privilege of a jury trial is that a man is entitled to have the judgment of every-day people of ordinary experience rather than to have merely the judgment, or what might be called the professional judgment, of a trained lawyer.
>
> "The law therefore means that you shall use your common sense and give to the decision of the questions of fact the same consideration that you would give in making up your minds on any question that would be presented to you.
>
> "There are six counts in this indictment. You may consider first the fifth and sixth counts, because they are the more easily disposed of. The fifth count charges that in September, 1923, the defendant maintained a common nuisance at No. 3 West Franklin Street, Baltimore, where intoxicating liquor was being manufactured in violation of the prohibition act, to wit, 25 gallons of wine. The sixth count charges that in September, 1924, the same sort of nuisance was maintained by the defendant at the same place, in that he manufactured 30 gallons of cider. These counts are based on section 21 of title 2 of the national prohibition act (Comp. St. Ann. Sup. 1923, sec. 10138½jj), which declares that any place or building where intoxicating liquor is manufactured, sold, kept, or bartered, in violation of this title, and all intoxicating liquor and property kept and used in maintaining the same, to be a common nuisance, and that any person who maintains it shall be guilty of a misdemeanor."

(8) Now it is conceded in this case that the defendant had no commercial purpose in his activities in this respect. The liquor was not made for sale, but merely for use in the defendant's own residence. Moreover, there were but two isolated transactions a year apart. There is involved in the expression "common nuisance" the idea of continuity of action for a substantial period of time. This element is lacking in this case. It is entirely proper for the prosecuting officer to frame an indictment under several sections of the law so as to meet what may turn up in the actual trial of the case. The district attorney in this case has done so by preparing counts under this section and under other sections, but as the case turns out it is my opinion that there is not sufficient evidence to justify a verdict of guilty by this jury on the fifth and sixth counts, and I therefore charge you to find a verdict of not guilty on those counts. (Strut v. Lincoln Safe Deposit Co., 254 U. S. 88; 41 S. Ct. 31; 65 L. Ed. 151; 10 A. L. R. 1548.)

The matters for your decision are involved in the first four counts of the indictment. Counts 1 and 2 relate, respectively, to transactions on the 27th of September, 1923, the first count charging the unlawful manufacture of certain intoxicating liquor, to wit, 25 gallons of wine, the second count charging the unlawful possession of such intoxicating liquor.

The third and fourth counts relate in the same way to the transactions in September, 1924, charging, respectively, the manufacture of intoxicating liquor, to wit, 30 gallons of cider, and the possession of 30 gallons of cider. It may be desirable to state that so far as exact dates are concerned, you need not be bothered by them, and the same thing is true as to exact quantities. If you find that the offenses were committed on any date of the years mentioned, and that any quantities were manufactured and possessed, the charges are made out.

The issues of fact to which your attention is directed are rather narrow and few, for the reason that there is no dispute in this case but that the defendant both manufactured and possessed the liquors in question. He has testified to that effect on the stand. So that that part of the charge is made out. The question for you to decide is whether the articles which the defendant admits that he manufactured and possessed answer to the description of the articles in the counts of the indictment. Now the description in the first and second counts is: "Intoxicating liquor, to wit, 25 gallons of wine." The question for you to decide on these two counts are two in number:

(1) Was the article wine?

(2) Was it intoxicating?

The position of the defendant on the first question is that the article which he manufactured and possessed in September, 1923, was not wine, for the reason that the grape juice manufactured was still in process of fermentation. His contention is that so long as it was fermenting, whatever else it might be, it was not wine. Now, it is plain from the evidence, if we are to accept the definition contended for by the defendant, that what the defendant intended to make was wine according to his definition, and the only reason why it is possible to make the contention in this case that it was not wine is that on October 11, 1923, by order of this court, he was forbidden to manufacture wine and was further directed to maintain what he had then manufactured in its condition without further disturbance. I think it is entirely fair to say to you, as claimed by the defendant, that he is not responsible for what happened to the wine after he was ordered to lock it up and did so. But did he, prior to that date, manufacture and possess wine? The defendant has produced two witnesses, Mr. Carroll and Mr. Boone, who were experienced men in the handling of whiskies and wines and liquors as wholesale dealers for a considerable period of time in Baltimore City.

Their testimony is that from their standpoint as dealers in liquor and dealers in wines, an article which was still fermenting was not wine. Their testimony seems to be to amount substantially to an expression of opinion on their part that grape juice still in process of fermentation is not commercially known as wine, or was not so known during the period when they handled it.

The defendant is not charged with making wine for sale; he is not charged with making wine of a commercial quality. It is not important whether this was commercial wine or not. It is not important whether it was good or bad wine. The question for your decision, on this point, is whether it was wine. You will therefore give consideration to the testimony produced on behalf of the defendant on that point.

There is testimony also adduced which you should consider on the part of the Government given in rebuttal after the defendant's witnesses had testified: The testimony of the chemist who analyzed the article, the testimony of Dr. Harvey W. Wiley and Mr. Alwood. Doctor Wiley, a man who, according to his testimony, has had very wide, I may say international, experience on the subject, having served as a juror at various international exhibitions, and having, so far as one could judge from his testimony, familiarity with the subject, testified

that whether it was fermenting or not, the grape juice was wine, and that such an article was known to manufacturers as wine. Mr. Alwood, a man of considerable technical experience and knowledge in dealing with the subject for a considerable number of years, gave similar testimony.

The Government's testimony also is to this effect, testimony given both by Mr. Alwood and by the other Government chemists, that under the circumstances of this manufacture the process of fermentation, having begun on or about the 7th of September, was substantially finished on the 27th of September. The amounts of alcohol which were produced by fermentation are given in the evidence in regard to the keg said to have been purchased from New York, 11.64 per cent of alcohol, and as to two other samples to which sugar had been added, 11.68 and 8.28 per cent, respectively, and as to a fourth sample to which no sugar had been added, 3.34 per cent.

Mr. Alwood testified that he had himself many times made wine by the use of grapes and the addition of sugar, and that, considering the period of 20 days and the alcoholic content that was found in this wine, it was his opinion that the process of fermentation was substantially finished.

The date of September 27, however, is not the date upon which the defendant's responsibility for the condition of the wine was at an end. The wine was kept by him for 14 or 15 days after that time, just as it was when the chemist examined it, and it was not until October 11 or 12 that the wine, or the article, whatever you may decide it to be, was locked up.

You will then consider the testimony of these gentlemen, and if you give it credit, even if you believe that grape juice is not wine until the fermentation has completely finished, you will then determine whether or not, in view of this testimony, the fermentation was or was not finished, or likely to have been finished after an interval beginning on September 7 and ending on October 11. So far as I recall, there was no testimony on the part of the defendant, and I shall be glad if counsel will correct me if I am wrong in this respect, as to whether or not fermentation had ceased on the date on which it was locked up.

Now, then, the second question for you to determine on the first two counts, if you decide that the article was wine, is whether or not it was intoxicating. Section 1 of title 2 of the act defines intoxicating liquor to be any liquor containing one-half of 1 per cent or more of alcohol by volume, which is fit for use for beverage purposes. That definition of "intoxicating," however, does not apply to this case. Under a subsequent section of the act, section 29, it was provided that the penalties in the act should not apply to a person manufacturing nonintoxicating cider and fruit juices exclusively for use in his home. It has been conceded in this case that what the defendant did was to manufacture grape juice in his home by adding sugar, exclusively for use in his home. I therefore charge you that it is necessary for you to find, before you can find a verdict of guilty on the first two counts, that the wine—and I may call it that for purposes of further charge, leaving the matter to your determination, however—was intoxicating in fact.

(4) What do we mean by intoxication? Two extremes have developed in the testimony in this case, neither of which seem to me to be a fair interpretation of what that word means in the law, no matter what it may mean elsewhere.

There is testimony on the part of Dr. Howard A. Kelly and Doctor Wiley that any amount of alcohol taken into the human system has an effect which they describe as intoxicating. That is not the meaning of the term as used in the law. The other extreme is illustrated by at least one of the witnesses for the defendant, whose name I do not recall, but who said that he would scarcely be affected by whisky before he had taken a dozen or two drinks. That determination of whether or not liquor is intoxicating is not what is meant in the law. Intoxicating liquor is liquor which contains such a proportion of alcohol that it will produce intoxication when imbibed in such quantities as it is practically possible for a man to drink. And that is the test that you have to apply to the decision of this issue of fact.

You will consider in that connection the alcoholic content of the liquors. You have heard them given in evidence, and I have already repeated them to you. So far as the wine is concerned, it runs from 3.34 to 11.68 per cent. If in your judgment any of that wine was intoxicating, whether or not in your judgment all of it was, the charge on the first two counts is made out.

Now, the defendant has offered certain evidence in the case of persons who, with himself, drank some of the wine, I believe on the date when the chemist took the samples. Mr. Dimarco and several of the young men from the newspapers took some of it. You have heard their testimony as to what effect it had upon them. You are, of course, entitled and in duty bound to take that into consideration. You should consider, however, whether or not there was a fair test of the intoxicating qualities of the liquor. It is not a question in any case whether the drink which a particular individual took at a particular time made him drunk, but whether or not the article is capable of producing drunkenness. Perhaps I might interpolate here that intoxication in this section of the law means what you and I ordinarily understand as average human beings by the word "drunkenness." If this wine was capable of producing drunkenness when taken in sufficient quantities—that is to say, taken in such quantities as it was practically possible for a man to drink—then it was intoxicating.

The Government has offered some testimony here by Doctor Kelly and by Doctor Wiley and others to the effect that it was intoxicating. I have already cautioned you, I think, that the definition of intoxication given by these two doctors, to the effect that any amount of alcohol produces an effect, therefore a toxic or intoxicating effect, does not satisfy the term "intoxicating" as used in the law. But their testimony, nevertheless, should be considered.

You were shown by ocular demonstration the amount of brandy which would contain a like amount of alcohol as a quart of the cider which was manufactured by the defendant. Now, the wine which we are now discussing contained, some of it, approximately four times as much alcohol as the cider. If you can visualize the amount of brandy pictorially represented by Doctor Kelly as containing as much alcohol as was in a quart of the cider and multiply that by four times, you get an idea of the brandy equivalent of a quart of the wine which contained the highest alcoholic content. Now, then, if you believe it was practically possible for a man to drink two, three, or four quarts of that liquid, you would be able to figure out how much would be represented by an equivalent of brandy. Matters of that sort may assist you in determining this question.

The illustration given by Doctor Wiley of his experience abroad at the students' drinking bout throws some light on the legal definition which I have given you of intoxication. According to his testimony the students were drinking 3 per cent beer, and after a long night and after the consumption of many quarts a considerable number of them were drunk. The beer which produced the results described by Doctor Wiley was intoxicating in the sense in which I have described it.

Now, gentlemen, when you come to the third and fourth counts of the indictment the only question for you to decide is whether the cider was intoxicating. Everything charged in those counts is admitted except the intoxicating quality of the product. What I have said as to the definition of intoxicating and the comments I have made thereon, qualified, however, by the fact that the highest alcoholic content of the cider was 2.7 per cent, are pertinent to these counts, and you will make up your verdict accordingly.

Gentlemen, this case is of some considerable public importance, and your duties, of course, are correspondingly great. The matter has had wide publicity. It is a fact, I think, borne out by the evidence, and even if it is not borne out by the evidence I am sure it is a matter which all of us know, that the defendant has been quite active in opposition to this law.

That is a matter, gentlemen of the jury, which should be left out of your consideration. The question of prohibition and the use or misuse of intoxicating liquor has been the subject of public discussion for many years, and continues to be the subject of discussion. It naturally gives rise to great differences of opinion, and on occasion to bitterness of feeling. It is your duty to try this case without reference to that discussion and that feeling. You should not allow yourselves to be prejudiced in any measure whatsoever against the defendant in case any of you should happen to disapprove of his agitation and his actions in this case. You should not allow yourselves to be swayed in his favor because he has held and still holds a high position in this community, or because you are in favor of what he has been endeavoring to do, or because you personally like his actions in this case. I need not remind you that you are here as sworn public officers to try this case according to the law and according to the evidence, and there are but these narrow issues of fact for you to determine: As to the first two counts, was the substance wine, and was it intoxicating; and as to the third and fourth counts, was the cider intoxicating? When you have decided those questions you have done your full duty.

Your verdict, as I have already said, on the last two counts will be not guilty.

The responsibility in this case for the decision of these questions of fact is yours. It is my duty to charge you upon the law. I am responsible for that, and if I am wrong I may be corrected elsewhere. The decision of the facts, however, is yours, and you are at perfect liberty to disregard any suggestions or comments which I have made upon the evidence which do not meet with your approval. The Constitution and law of the land compels a jury trial in criminal cases in this court and a jury trial means a decision of the jury and not of the judge.

Are there any exceptions or any suggestions in regard to the charge?

Mr. MACHEN. I understood from your honor's charge that the principle of reasonable doubt, if the jury has any reasonable doubt as to any of the essential elements of the crime, applies to this question of intoxication as well as to all other elements of the case.

The COURT. Yes. There are no elements in the case for them to decide except those that I have commented on, and the doctrine of reasonable doubt applies to them.

District Attorney WOODCOCK. I desire on behalf of the Government to suggest that in our view of the law the burden of proof in this case is upon the defendant to show that the wine and cider were not intoxicating, basing that on section 33 of the law, which is a general section shifting the burden of proof when possession is shown; and, secondly, on the fact that the whole defense is an exception to the general prohibitions in the law.

The COURT. This matter has now been called to my attention for the first time. You refer to section 33?

Mr. WOODCOCK. Yes; and also that the defense is a negative averment which is referred to also in section 32.

[5] The COURT. I think it is well that the point may be raised. It may serve as a basis for some authoritative decision later on. But, in my opinion, while the burden may be upon the defendant to show that he was manufacturing the fruit juices exclusively for use in his home, that element of the defense having been conceded, the burden of proof on the subject of the intoxicating quality of the liquors does not shift.

Here is a clear decision of the Federal court, but even after this decision the Federal Prohibition Commissioner and his assistants do not know what are the penalties to be applied to violators of the Volstead Act. I call to your attention an extract from the hearings on the Treasury appropriation bill, beginning at page 517 and ending on page 522, which is as follows:

TREASURY DEPARTMENT APPROPRIATION BILL, 1926

EFFECT OF VERDICT IN CASE OF HON. JOHN PHILIP HILL

The CHAIRMAN. Do you know anything about the cider case in Baltimore?

Mr. JONES. Yes, sir; I was subpœnaed in that case as a witness for Congressman JOHN PHILIP HILL.

The CHAIRMAN. What is the effect of the court's decision in that case?

Mr. JONES. It has no effect at all on enforcement, Mr. Chairman. That was simply a finding by a jury that one man was not guilty. He was very ably represented, and his counsel contended that he did it to get a ruling of the court.

Since the acquittal of Congressman HILL on the charge of violating the national prohibition act, we have received word from a district attorney in West Virginia that he has secured a conviction for an alcoholic content of less than half of the amount involved in the case of Mr. HILL.

Mr. BRITT. It was 5.2 per cent in the West Virginia case.

Mr. THATCHER. Fermented cider?

Mr. JONES. Yes, sir; one of Mr. HILL'S samples ran between 11 and 12 per cent alcoholic content. That was wine. He was indicted on both cider and wine counts.

Mr. BRITT. Judge Trieber, in the eastern district of Arkansas, tried a case involving brewing, where the content was 4.5 per cent, and he gave the maximum punishment. That happened in the last week or two.

Mr. BYRNS. Is that going to result in different rules being applied as to the effect of the alcoholic content in various communities, as determined by juries, or are we going to have any definite, positive rule?

Mr. JONES. It does not change the law or the regulations or the position of the Prohibition Unit. We have written Mr. HILL on numerous occasions during the last two years to the effect that section 29 of the national prohibition act did not necessarily mean that one-half of 1 per cent, but it meant intoxicating in fact. That was the substance of the judge's charge to the jury. The judge handled the case in a very able manner, showing he had given the matter considerable thought. He went into the debate that occurred on the floor of the Senate when the Volstead Act was under consideration, and he quoted Senator STERLING in response to an inquiry from Senator PHELAN, of California, in which Senator STERLING stated that section 29 did not necessarily mean one-half of 1 per cent alcoholic content, but it meant intoxicating in fact. That was the judge's charge to the jury, and it was up to the jury to determine whether or not the product complained of was, in fact, intoxicating.

The CHAIRMAN. Whether or not 11 per cent was intoxicating?

Mr. JONES. Yes, sir. Personally, I think 11 per cent is intoxicating. The clarets and Rhine wines in preprohibition days only ran from 8 to 12 per cent, I am told, and no one would contend that they were nonintoxicating in fact.

Mr. BYRNS. What I was interested in knowing was whether or not there is any step that can be taken, or that is being taken, to determine whether or not the judge who gave the charge saying that the sole question was to determine not the amount or not the effect of the action of Congress in prohibiting more than a certain alcoholic content but simply the question as to whether or not it was intoxicating—I would like to know whether there is any way to have it definitely determined whether or not the judge was right.

In other words, if that is not definitely determined, then you will have a jury in Arkansas holding one way, a jury in Baltimore holding another way, and juries in the various States holding various ways.

The CHAIRMAN. Is this case going to be appealed?

Mr. BRITT. No.

Mr. BYRNS. I wanted to know whether it could be appealed or whether there would be any further steps taken.

Mr. BRITT. There was no exception taken to the ruling of the judge on any question of law. The verdict was rendered by the jury on the question of fact, and, of course, that is not appealable by the Government.

There have been efforts made from time to time to determine where intoxication begins. Of course, it is a medical and scientific question to be determined. Numerous bodies have tried to determine the question, and doctors have given opinions. Some of them hold that intoxication commences with one-half of 1 per cent. Doctor Wiley holds that a drink is effective with a smaller percentage than that, and others hold differently. So the result is that the question of whether there is an intoxicating drink sold is a matter of fact to be determined in each individual case.

Mr. MAGEE. I suppose that is based upon what might be said to be a fundamental rule of law, and that is the rule of reason, and the question is whether it is reasonable.

Mr. BRITT. Twenty of the States have fixed one-half of 1 per cent, and some have fixed no intoxicating strength at all.

Mr. THATCHER. Have the States that fixed one-half of 1 per cent as a standard of intoxication adopted that legislation for police purposes, in order to fortify the prohibition laws?

Mr. BRITT. That is what I was going to explain. They have said, "You shall not manufacture, possess, or sell any intoxicating liquor of any amount of intoxicating strength," and in 20 of them they have fixed the strength at one-half of 1 per cent, but they have not said that one-half of 1 per cent is, in fact, intoxicating. They have said that is our limitation; if you go above it, you are violating the law.

The CHAIRMAN. Suppose that the judges in the courts in the different States fix different amounts; in Arkansas, say, 4½ per cent; in Maryland, say, 11 per cent; and perhaps other courts in other States reach varying conclusions as to that matter. What will be the policy of the Prohibition Unit in the Treasury Department in respect to the percentage on which they will prosecute?

Mr. BRITT. The Supreme Court of the United States has said that an administrative officer can not define the terms of a statute that would fasten upon a citizen a crime.

Mr. BYRNS. I think the chairman's question goes to this proposition: Are you going to prosecute in Baltimore, where the figure is 11 per cent and in Arkansas where it is 4½ or 5 per cent?

Mr. BRITT. The point is, as I have said, that we can not determine that matter. An administrative officer is forbidden by the holding of the United States Supreme Court to define a term in a statute which might fasten a crime upon a citizen. That is not the province of an administrative officer, and he can not do it. All an administrative officer can do is to find what the statute says, provide the facts, and ask that the crime be tried out under the instruction of the court. That is all we did in the Hill case. We only furnished the facts as they came to us, on his initiation, and the court gave a sound construction of the statute, in my judgment.

Mr. BYRNS. I do not know that that goes directly to the question which I understood the chairman to propound.

What is going to be the attitude of the Prohibition Director toward these two respective conclusions? In other words, you have now a finding in Baltimore to the effect that eleven and a fraction per cent is not intoxicating, and therefore the defendant in that case was declared not guilty.

In Arkansas, you have a finding to the effect that 4½ per cent was intoxicating.

Now, will the Prohibition Unit here accept those respective rulings as correct, and fail to request prosecutions, or insist upon prosecutions in Baltimore, for instance, unless the facts show that the alcoholic content was more than 11 per cent, and still at the same time insist upon prosecutions in Arkansas where the ruling is that only 4½ per cent is intoxicating?

Mr. BRITT. That is a very important question, and it has been thoroughly discussed by the Prohibition Unit, and I would like to give you our conclusion as to the whole matter.

The finding in each case that the particularly specified and admitted or proved amount was or was not intoxicating, was not a finding by the court at all, but the court charged the jury that if it found that the liquor sold or used was intoxicating in fact, it should find the defendant guilty. In Baltimore it was admitted that it was eleven and a fraction per cent. The court said, "If you find as a fact that that liquid is intoxicating, you will find the defendant guilty."

The CHAIRMAN. I am not a lawyer, so I may ask you a foolish question. If it was not intoxicating in fact, would that be in respect to a particular individual who drank that particular liquor or would it apply generally?

Mr. BRITT. No; the intention was to make it of general application.

Mr. MAGEE. Does not the question of the homemade product enter into it?

Mr. BRITT. Yes. In Arkansas the strength of the brew was admitted. The judge said it was for the jury to determine whether that degree of strength in this case is or is not intoxicating. The jury took the question and found it was intoxicating and found the defendant guilty.

In the West Virginia case the cider was admitted to be 5½ per cent, and the judge told the jury it was for it to determine whether that was intoxicating; and if it was, then they should find the defendant guilty. They found that it was intoxicating and found the defendant guilty.

Your question is this: Is the Prohibition Unit going to try to enforce the law in Maryland? If it finds a case in Maryland where the facts seem to indicate that there has been made or possessed for beverage purposes a drink that is intoxicating in fact, it will not be the duty of the Prohibition Unit to say anything about what its opinion is, but to say that this seems to be a case in which the facts and circumstances indicate probable cause, and an indictment will be asked for. Another jury might say that 7 per cent in the State of Maryland is intoxicating, or 14 per cent, while another jury in Arkansas might put it at 3 per cent, and still another jury might say that 9 per cent was not intoxicating. In West Virginia there might be a verdict by a jury to the effect that 7 per cent is not intoxicating. It is for the jury to find facts under the instructions of the court.

The CHAIRMAN. What percentage would you, as a prosecutor, determine was intoxicating in fact; what would be the policy of the bureau or the Prohibition Unit?

Mr. BRITT. I have just said what we would do. If we have a state of facts that would constitute probable cause—not a mere suspicion, but some proof that somebody had been more or less intoxicated from drinking a certain liquor—we would take that as apparently probable cause.

The CHAIRMAN. You would not prosecute, then, under the language of the existing law?

Mr. BRITT. This is under section 29, and there the language relates solely to cider and fruit juices made and for use in the home.

Mr. BYRNS. You would apply the same rule to Maryland as to Arkansas; that is, you would leave the finding of the facts to any particular jury?

Mr. BRITT. It is the policy to refuse to undertake to define the term, because the Supreme Court says that is not the function of an administrative officer.

Mr. MAGEE. Where a sale occurred that is another question?

Mr. BRITT. Yes; that is another matter.

Mr. JONES. I think Judge Soper, of Baltimore, in his charge to the jury answered the pertinent question, Mr. Chairman. The Government had a number of expert witnesses, among them Dr. H. W. Wiley, former chief chemist of the Department of Agriculture; Doctor Kelly, of Baltimore; and Mr. Alwood, of Charlottesville, Va. Doctor Wiley, in answer to a question from the district attorney, when he was asked to state what he thought was intoxicating, put it as low as a quarter of 1 per cent. One of Congressman HILL'S witnesses said it took 12 drinks of whisky of 1 ounce each to make him drunk.

The CHAIRMAN. That was with liquor of 11 per cent alcoholic content?

Mr. JONES. That was whisky. The judge in his charge to the jury instructed the jury that they might disregard both and render their decision as to what amount would make an ordinary person intoxicated.

The CHAIRMAN. Did he mean a man who was an ordinary drinker or a man with a quiet habit of drinking or a man who was profuse in his habits?

Mr. JONES. He did not go into details.

Mr. MAGEE. In those cases where questions of fact are determined, the basis of the finding of the jury is what is reasonable, is it not?

Mr. JONES. Yes. In this trial Mr. HILL had as witnesses a great many people who attended these parties and they all testified that they had not become intoxicated at Mr. HILL'S parties.

The CHAIRMAN. What is the remedy?

Mr. BRITT. The confusion arises in this way. One scientist, or learned physician, says intoxication will commence even at one-fourth of 1 per cent. Strictly speaking, that is undeniably true. But how far would it have to go before you or I, laymen, would see the physical, outward effects of it? That is where we would say intoxication commences, while the chemist or scientific man would say it commences at the lowest degree of content. That is the way the confusion arises.

The CHAIRMAN. Is that meant as an answer to the question as to the remedy?

Mr. BRITT. No; it is not. I think the remedy is in an amended statute.

Mr. THATCHER. You are not in a position to appeal these cases that you referred to in Arkansas and in Baltimore, because the instructions of the judge were in conformity with the law?

Mr. BRITT. We could not appeal them.

Mr. THATCHER. The findings of fact having been made by the jury under the instructions of the court, there is no way by which these cases can reach the court of appeals or the United States Supreme Court?

Mr. BRITT. Exactly.

Mr. THATCHER. For that reason the only way to standardize the situation would be by an amendment of the statute?

Mr. BRITT. If it is to be standardized it would have to be done by legislation.

Mr. VARE. Then you think, as a result of these several verdicts, it is necessary to have new legislation on this subject?

Mr. BRITT. I did not say that; that is not within my province. I merely say that if there is to be a standard of any kind, that standard would have to be a legal standard.

Mr. MAGEE. I presume the one-half of 1 per cent was made applicable to cider and to homemade wines and probably other homemade drinks?

Mr. BRITT. Possibly not, when made for use in the home. I do not know; but there is where the trouble lies. The first section of the act puts a limitation.

Mr. MAGEE. What is your view as to whether they should make the one-half per cent applicable to every beverage, whether homemade or manufactured and sold?

Mr. BRITT. Do you ask me that question?

Mr. MAGEE. Yes; I was trying to get your view of it. It has been suggested here that the best way would be to amend the law so that the one-half of 1 per cent provision would be applicable to every beverage, homemade or manufactured and sold.

Mr. BRITT. To make it uniform, that would have to be done. That would be the only way.

Mr. MAGEE. That is what I understood.

Gentlemen, you can see what is the effect of unequal and improper penalties in section 29 of the Volstead Act, and I hope you will not repeat the same sort of penalties in the pending bill. The prestige of the Federal courts depends not on the "teeth" you put in, so much as on the justice and equality of the Federal laws. We need enforcement of Federal laws, and the first step toward this end is to pass only fair and reasonable laws. [Applause.]

Mr. O'CONNOR of New York. Mr. Chairman, I move to strike out the last two words, and ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Mr. Chairman and gentlemen, I sympathize with many of the sentiments which have been uttered here to-day against further extending the arm of the Federal Government into the States, and I believe at this hour throughout the country a great reaction is setting in against just that thing. I believe there is piling up gradually mountain-high this resentment of our people at Federal interference with State affairs.

I claim to have as much respect for the rights of the States to work out their own problems as anybody, at least, as any Democrat who sits on this side of the House, and I believe an outstanding example of the resentment of the people at Federal interference is the recent death-knell sounded for the child labor amendment for which I voted. I can not find it in myself to criticize the people in full measure for what they have done in that instance. So acute has the situation become, I believe it to be a solemn truth to-day that no amendment, however meritorious, however necessary, however indispensable, can be added to the Constitution of the United States and ratified by three-fourths of the States of the Union. The history of the Halls of a few years ago will give the answer for this present mental attitude of the people of this country. Speeches delivered here to-day in opposition to this bill and also in opposition to the child labor amendment might well have been delivered on other propositions of recent years, for instance the eighteenth amendment, and the very pleas and the very protestations and the very same supplications made against this measure and the child-labor amendment might well have been made against the eighteenth amendment and even the nineteenth amendment. "Consistency, thou art a jewel." If my political colleagues are inconsistent, surely no one can deny me that right.

But I have been assured by the distinguished gentlemen who are behind this measure that there is absolutely no other way

of raising funds to build up these refuges except by this $1 fee in the nature of a Federal license. I wish it were not so. From my heart as a Democrat, I wish that one feature were eliminated from this bill, because I would then feel my conscience clearer in voting for the bill. But I am convinced, gentlemen, beyond that, that this is the only opportunity to build up refuges which will be public refuges rather than private refuges. We from New York know, as you from other States will know, that hunting has become a private pastime, the sport of "kings"; that there are hardly any areas left where the public, the man who can not afford to join a sportsman club, can indulge in that delightful pastime, and because this bill does do that, because it does protect the bird life and incidentally other wild life of America, such as the fur-bearing animals, because it does furnish an opportunity for the rank and file of the people of this country to indulge in this health-giving sport, and in spite of the fact that it again violates what no real believer in true democracy should have ever tolerated, the invasion of State rights, I am going to vote for the bill, and I counsel my colleagues to do likewise.

"Consistency" was once defined as "an iron band around a small mind." I do not claim to be consistent. I reserve to myself the right and privilege at all times to reverse my position. But, gentlemen, I shall be frank about it, when I do so "turn-turtle." No such condition as confronts us to-day would exist if many of us took the same frank attitude. To be trite, "no man can serve two masters." If you honestly and sincerely believe in "State rights," forever bow your heads in shame for voting for the eighteenth amendment. It is the cause, the foundation, the germ which confronts you to-day and gnaws at your vitals. If you had never done that you might be here to-day, with your face to the sun, advocating the doctrine of "State rights." Please, God, restore them to us?

But let no man rise in his place and oppose this bill who, deluded, I submit, cast his vote in favor of the eighteenth amendment and against the proposed twentieth amendment. Such positions can never be reconciled.

Somewhere in this great land of ours there surely must be some Moses, some crusader, who in time will lead us out of the wilderness; who will restore to us and to our beloved commonwealths the rights which have been wrested from us by misdirected passions of the moment. In my humble judgment that deliverance is not far off. A rising tide of public sentiment will and must necessarily engulf the great delusion which has been permitted to seize upon the Representatives of our people, and when the storm has subsided and the waters have become calm, we shall again see this great Union of ours functioning in its true relation, each State imperial and supreme in the affairs of its own citizens; the Federal Government "standing by" not as an interfering despot, but as a "good father" to whom we may go to seek solace but not "orders." This is not the millenium, gentlemen. In our time we shall see it accomplished. Until then, call me inconsistent, if you will; denounce me as one who would add to the annoyance of Federal agents, but when the tide shall turn, I shall gloriously embark with you on the voyage our forefathers programed for us—each State sufficient unto itself. Until that time shall come, I claim the right to wander with you from the straight and narrow path, and to vote for this meritorious measure. [Applause.]

Mr. STEVENSON. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, my ideas have been somewhat modified as to this legislation since the bill has been modified as much as it has, but as it stands now, I do not see how we can, consistently with regard to the States that send us here, enact the bill.

The bill provides for the acquisition of large areas of land in the different States; acquisition either by purchase or by lease, and the gentleman from Kansas [Mr. ANTHONY] candidly admits that once it becomes the domain of the United States, it is withdrawn from the power of State taxation. Whenever you once throw the shield of the Government of the United States around a large territory of land in any county, you have thereby subtracted from the taxable values of that county and you have deliberately and with malice aforethought placed on the taxpayers the making up of the deficit which arises from that taking away of the taxable values. I intimated to the gentleman a while ago I thought it ought to be amended in that respect. I do not understand that the gentleman acquiesces in that view.

I want to call your attention also to the fact that the bill provides for the acquisition of land by lease. Here is a man, for instance, with 10,000 acres of land suitable for a game preserve. Instead of selling it to the Secretary of Agriculture, he leases it to him and gets it out from under the power of taxation. Then are you going to let him sit down and draw his income from the leasehold and yet escape taxation? If you fix it that way, you are going to subtract from the taxable values of this country immense amounts of property. You may say it is not worth much now, but land that is not worth anything to-day may be worth millions to-morrow. I want to enforce the idea that whenever we set the seal of our approval upon the subtraction of large areas of land in the different States from the taxable property in the State, we are simply unloading upon the citizens of that State a burden to take up that which has been subtracted from them.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. SCHNEIDER. The State would not have to release the land?

Mr. STEVENSON. No; it would not have to release it, but you go to the State legislature and say, "Consent to this great game preserve because it is a great improvement," and so forth, and you know how easily legislatures have bartered away millions and millions of dollars of the States of this country in giving freedom of taxation to railroads when it was a popular thing to build railroads with the help of the States.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. OLIVER of Alabama. Is it the opinion of the gentleman that where private lands are leased to the Government that thereby the right of the State to tax those lands while still owned by the private party is withdrawn from the State.

Mr. STEVENSON. It certainly raises a very serious question. If you tax the lands, how are you going to collect it? If the taxpayer does not pay the tax, you must levy upon and sell the land, and how can you sell it out from under the Government and get it out from under the Government's leasehold?

Mr. OLIVER of Alabama. There would always be a tax lien in every State on land at the time of the lease.

Mr. STEVENSON. Yes, sir.

Mr. OLIVER of Alabama. If the position of the gentleman is correct, the leasing or sale of private land to the Government might release the land from the payment of any mortgage that might be on it.

Mr. STEVENSON. No, sir; I do not state anything of the kind. If I lease my land for 99 years to the Government, it is in the possession of the Government; and if the State undertakes to tax it, it has got to take it from the possession of the Government, and the Government will see you when you undertake to do that and you will find where you will land.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STEVENSON. Mr. Chairman, I ask for two more minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. LINTHICUM. I want to say that in Baltimore City, where we have a ground rent system, the lessee always agrees to pay the tax. Now, why can not the State levy on the right of the lessee and collect the tax as we do in Baltimore, Md.?

Mr. STEVENSON. Well, that is only one feature of it. When the Secretary of Agriculture takes over this property they are going to acquire a title in fee simple, not the rights of a lessee, so that they are away from anything of that kind. You are leaving the door wide open to subtract large areas of land from the taxing power of the State.

Mr. JOHNSON of Texas. Suppose I shoot a duck without having a license, what is the penalty?

Mr. STEVENSON. Not over $500 and not over six months in jail.

Mr. ANTHONY. The gentleman does not want to make a misstatement; the penalty is not less than $5 nor more than $25.

Mr. STEVENSON. Just a minute, and I may have to ask for a little more time, as you raise another issue. Let us look at the penalty clause. Page 10, the committee amendment says:

> any person who shall violate or fail to comply with any provision of sections 6 and 11 of this act shall be punished as is provided for in the migratory bird treaty act of July 3, 1918.

Now, section 6 says that no person shall take any migratory birds or eggs or nest of such birds in violation of this act, and section 17 says that for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture,

collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

Now, what about the migratory bird act, in which reference is made for penalty? It says he shall be fined not more than $500 or imprisoned for not more than six months, or both. That is what it says. If a man puts on his clothes, takes his gun, goes out in the yard with the intention of pursuing, he is "taking," according to this provision, and if he is condemned and the court says so, he can be both fined and imprisoned—fined $500 or imprisoned six months, or both.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WINGO. Mr. Chairman, while it is true that this bill is not as obnoxious in its details as the one that we killed two years ago, yet the principles of legislation can not be changed by the mere change in phraseology of temporary enactments. The proposition that is involved in this bill that gives a great many gentlemen trouble, even though they are just as zealous as you are to protect game life in America, is that, sugar coat it as you may, you are setting up another great Federal machine that will have to be supported by the taxpayers of the land, either directly or indirectly, and, further, you are widening that physical area in the United States where the arbitrary power of the Federal bureaucrat, backed up by the authority of the Federal courts, shall be supreme on the every-day life of the citizen. This Nation can not exist unless the Federal Government can command the respect and the confidence of the citizen. When you pile day after day and year after year additional burdens on the Federal machine that conflict not with the predatory desires of the criminal element in the land but with the natural feelings in respect to what the average law-abiding citizen believes to be his everyday inalienable right, and you continue to do that, then you build up a spirit of exasperation, resentment, and contempt that will destroy the Federal authority sooner or later. On the other hand, viewing it from the standpoint of the individual citizen, you must understand that there is no safety or security for the citizen in a universal regulation of his everyday life by a central government. That is the basic theory upon which our forefathers built. Let me repeat it. There is no safety or security to the individual citizen in the arbitrary exercise of power over his everyday life by a central authority.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. SCHAFER. On the strength of the gentleman's argument are we to believe that he would be in favor of amending or repealing the Volstead Act?

Mr. WINGO. Is the gentleman electioneering for votes now or trying to project himself above the dead level of obscurity in this House?

Mr. SCHAFER. From the gentleman's observations I imagine the gentleman would be in favor of repealing the Volstead Act.

Mr. WINGO. I do not want to be diverted from what I am discussing at this time, but for fear the gentleman might think I am afraid to do it, I say that I never made a prohibition speech in my life, and I came very nearly getting defeated for Congress because they said that I killed State-wide prohibition. Now, if the gentleman wants to go off and play with that for a little while, while I go on with the discussion of what is before us, he is welcome to do so. Gentlemen, let us get back to the proposition that is before us. Are you going to enforce this law? It is your duty to do it. How many men will it take to do it?

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, the statement I am about to make I do not make recklessly, because I have had the matter investigated. Arkansas is an agricultural State, just in its infancy so far as industrial development is concerned, and yet to-day there are camped on the soil of Arkansas more Federal agents snooping around into the everyday life of the private citizen, of the business men, as I said before, looking into offices and safes and books and smokehouses and even the homes of the citizens, than the combined number of State, county, township, and municipal officers in the State. What is the result? I am not talking about this bill only, I am not talking about the Volstead Act, but I am talking about the tendency, the continuous movement, of which this bill is but an insignificant example, and what have we got? You have the same feeling in every State of the Union that there is in my State—a decreased respect for Federal authority and an increased resentment against what they think is arbitrary interference with their private life by bureaucratic agents snooping around, investigating everything they do. I am not talking about the merits of it, I am not talking about the wisdom of the regulatory desire that is represented by that force, but I am talking about its effect upon the character, upon the viewpoint of the citizen of the land. It will take a thousand game wardens to each State to begin to enforce effectively the migratory bird act. It will take five times as many Federal officers to supervise the same territory as it takes with a local officer, who knows every citizen, who is acquainted with the habits and the thoughts and propensities and even the derelictions of his neighbors.

I think that the greatest thing in this Nation is to preserve our free institutions and our philosophy of government. What will the right to fish and hunt be worth if you turn this Nation into a cruel, despotic, bureaucratic central government? Why, you will not care anything about the right to hunt or fish then. Have the States grown so corrupt, have local juries and courts fallen to such a low state that men who wish to preserve the game life of America have to abandon their local courts, their local machinery, and come and appeal to Federal authority? I do not believe it, gentlemen. I believe you can enforce proper regulation and protection for the game life in every State of the Union if you base the right on a public sentiment and leave the remedy to the courts, the grand juries, for infringement of local laws and State laws. Ah, gentlemen, if they violate your local State laws with impunity they will violate your Federal laws with impunity, and you are only increasing disrespect for law and you are not increasing the protection of your wild life which you seek to protect by this bill.

Mr. BRIGGS. Will the gentleman yield?

Mr. WINGO. I will.

Mr. BRIGGS. Does the gentleman understand under the operation of this bill there can be any shooting of migratory birds in any State in the Union without a Federal license?

Mr. WINGO. I believe I love constituted authority as much as any man, but the very thought of having to go to a Federal bureaucrat to get leave to fish or hunt upon my native heath is repulsive to me. Go to the Federal Government, not the local authority, to get the right to fish or hunt in the fields or in the forests where the boy is bred and reared! Why, it is repugnant to every conception of our institutions.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BLANTON. I ask that the gentleman be granted one additional minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. If the gentleman will permit me, I want to state this, that the treaty between the United States and Great Britain, which is made a part of this act, defines as migratory birds every bird I mentioned in my speech, every one of them. My colleague from Texas was mistaken a while ago when he indicated that such was not the case.

Mr. HILL of Maryland. It also included the bobolink, the catbird, the chickadee, and the cuckoo——

Mr. BLANTON. I mentioned all of those.

Mr. WINGO. Let me cover the question of the woodpecker before I get through. I will say that in one court in Arkansas a citizen has already been fined for killing a woodpecker under the migratory bird law.

Mr. McKEOWN. Mr. Chairman, I rise in opposition to the pro forma amendment. I ask that the pro forma amendment be withdrawn, and I move to strike out the last two words.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last two words.

Mr. McKEOWN. Now, gentlemen, of course the question of State rights always comes up when an international law is proposed. I am going to give you my opinion about how you ought to fix this law, because I do not think any man in this House will disagree with the proposition that the wild bird life of this country ought to be preserved. To-day the automobile has obliterated distances in this country. To-day the hunter can get in his car and be on the hunting grounds within an hour, miles and miles away, and the bird life and animal life of this country have no chance at all, and I say to you if you do not care to preserve it for the people who live here now, have a heart and do something for the boys who are to come in the future of this country. [Applause.] Give the boys of this country a chance.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. LEATHERWOOD. How does the gentleman account for the fact that in the States where they are regulating it under State law that the game is increasing and has been increasing for the last five years?

Mr. McKEOWN. Well, I will say this to the gentleman, that since you passed the treaty the bird life has increased, but it did so because the Congress of the United States joined in a treaty with another country. It was not because the States protected them. The States did not protect bird or animal life in his country, and the gentleman knows it. The only reason these birds have increased——

Mr. HUDSPETH. If the gentleman will allow me, in reply to the gentleman's statement I want to add that in the States where they are not increasing—I refer to the State of Texas, where they have been trying to protect them for 20 years, and to-day there are not 20 deer where we had a thousand 10 years ago. They are almost extinct, so it does not apply to that State.

Mr. LEATHERWOOD. I suggest to the gentleman from Texas [Mr. HUDSPETH] that he do what other States are doing, namely, enforce the law. Let me ask the gentleman from Oklahoma this other question: Why is it that many of the proponents of this measure are urging in one breath the passage of this act to put an additional burden on the sportsman and at the same time are opposing the reduction of the bag limit by State law?

Mr. McKEOWN. I will state where I stand. I believe in protecting the game and the migratory birds, and I believe in going further and striking out of this bill the shooting grounds, because I do not want to mix shooting grounds up with the preservation of the birds or the game. I am opposed to this license tax, because if you can spend $14,000,000 in one fell swoop for a bridge across the Potomac River, you ought to be willing to spend $1,000,000 to protect the birds of this country.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLANTON. If you knock the license and the shooting feature out of this bill, the sportsmen will not have it. This is a sportsmen's bill.

Mr. McKEOWN. You ought to pass this bill with a provision for securing refuge grounds, abolish the tax, abolish the shooting grounds, and really preserve the birds. That is what you want to do. You will not have any bird life in this country unless you do that. The birds are rapidly disappearing. The Boy Scouts of this country are doing more to preserve the birds than all the rest of the American people altogether. The Boy Scouts are being taught to preserve the birds in this country, and they are doing it.

The CHAIRMAN. The time of the gentleman from Oklahome has expired.

Mr. McKEOWN. May I ask unanimous consent for three minutes more?

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. McKEOWN. Now what is the use in getting up here and talking about State rights? It is all right to preserve State rights, but let the States enforce the law. These birds should be protected. The Government is able to do it. Why not have the Federal Government do it? This will only raise $1,000,000. Why put on this heavy license feature?

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. KINCHELOE. Is not the purpose of this bill the preservation of the birds in order that they may be killed by the hunters?

Mr. McKEOWN. I am in favor of preserving the bird life of this country. I want it preserved, and not destroyed.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. MONTAGUE. If that feature of the bill is not stricken out, will the gentleman then vote for the bill?

Mr. McKEOWN. I will say to the gentleman I would rather have this bill with that feature in it than no bill at all. But I want the birds preserved. That is my position. I want this license stricken out.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. WINGO. The gentleman says he wants to see the birds preserved?

Mr. McKEOWN. Yes; I want them preserved.

Mr. WINGO. Will not the courts of Oklahoma protect them?

Mr. McKEOWN. The courts of Oklahoma will do the best they can, but the officers who have charge of the enforcement of the law are the men on whose shoulders this devolves. I am opposed to this license because it will cause confusion throughout the States. The license would have to be paid. The farmer would be called upon to pay a Federal license. He now obtains a State license. In my State, and I suppose in the gentleman's State of Arkansas, he can not kill migratory birds except in season anyway.

Mr. WINGO. What I want to get at is this: The people of the State of Oklahoma are still a law-abiding people. They will protect locally the wild life, will they not?

Mr. McKEOWN. They will try to.

Mr. WINGO. Does the gentleman think they will do it any quicker under the Federal Government than under the State government?

Mr. McKEOWN. You know the fellows are more afraid of the Federal courts than of the State courts.

Mr. WINGO. On the contrary, I am told as a lawyer that it is easier to punish a criminal under the State courts than under the Federal courts.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. DEAL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. DEAL. Mr. Chairman, this is a rich man's bill. Now, I am not opposed at any time to according rights to any class of citizens of this country to which they are entitled, but I am opposed to creating refuges which can only be enjoyed by those who possess sufficient wealth to travel to the grounds that may be reserved.

Under this bill we may tax, it is said, a million people, thereby providing $1,000,000 a year, 45 per cent of which may be invested in land. In the course of 10 years we would perhaps provide something like 100,000 to 125,000 acres of land for refuges—a very small area—which may be hunted. The average man, therefore, would have but small opportunity to reach these grounds in distant parts, at great expense to himself, both in traveling, hotel fare, and other expenses incident to the hunt. Therefore, it would only be possible for those who possess means to enjoy these hunting grounds. We do not need to protect this class of people. They are amply able to protect themselves.

Oh, it has been said that the States will not protect our bird life. We have laws, and our birds are protected. But that is not the question, gentlemen. That is the very trouble. The States will not do just what is wanted. That is the milk in the coconut.

Mr. RAGON. Mr. Chairman, will the gentleman yield for a question?

Mr. DEAL. Not right now. The gentleman will excuse me. There are very many people in this country who have purchased large areas for private preserves for their own use. Along the Atlantic seaboard many of these people have combined and sought through the State legislatures to declare certain waters as nonnavigable in order that the port warden rights of the lands adjoining these waters, which they have purchased, may be extended. This would prevent private citizens and natives from going on those waters to hunt. Two years ago I called attention to the fact that in certain areas in Virginia and North Carolina rich hunting clubs had purchased lands adjoining these shallow waters, where wild celery and wild rice grow in abundance, affording food for the migratory birds. Among these I might mention the following: The American Tobacco Co., Mr. Van Ransler, Mr. John G. O'Connor, Mr. William S. Gary, Mr. George D. Van Bright, Mr. George Gould, Mr. Stillman, Mr. Dickerson, Doctor Penrose, and a number of other gentlemen of this type. For many years there has been a determined effort on the part of these people to have our State declare the waters of Back Bay nonnavigable, in which event the property rights of these men would extend to the middle of the bay and thus give them the exclusive control of this body of water. Similar conditions obtain, I am told, in North Carolina and other southern States.

Another objection I have to the bill is the exercise of police powers in the States. This is what the proponents of this bill desire. Mr. Chairman, if you will cut out every clause and every paragraph in this bill except the penalty and the right of a commission to make rules and regulations, the proponents of this bill will have everything they need or desire—the right to make rules and regulations that have the binding force of law, create a commission, and then the whole question will be settled. These gentlemen can go to the commission, and when the rules and regulations are made our State laws and all other privileges and rights that we now enjoy will be taken from us.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The committee informally rose; and the Speaker having taken the chair, sundry messages in writing from the President of the United States were presented by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bills of the following titles:

On February 16, 1925:

H. R. 64. An act to amend section 101 of the Judicial Code as amended.

On February 17, 1925:

H. R. 5197. An act to amend section 71 of the Judicial Code as amended;

H. R. 11280. An act authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin; and

H. R. 4610. An act for the relief of the estate of Filer McCloud.

On February 18, 1925:

H. R. 4441. An act to amend section 4044 of the Revised Statutes as amended.

On February 19, 1925:

H. R. 8090. An act authorizing the Secretary of the Treasury to remove the quarantine station now situated at Fort Morgan, Ala., to Sand Island, near the entrance of the port of Mobile, Ala., and to construct thereon a new quarantine station.

MIGRATORY BIRDS

The committee resumed its session.

Mr. TINCHER. Mr. Chairman, I rise in opposition to the pro forma amendment. The strange thing about this legislation is that we are all for it until it gets on the floor. There is never any trouble in getting Members of Congress in their campaigns, or at any other time, to be in favor of making the migratory bird proposition a national proposition.

Last year in the campaign not only did the platform on which I was a candidate for office declare in favor of the migratory bird business being handled as a national proposition and in favor of the Federal Congress passing a law to conserve our wild birds, but one of the most attractive campaign pictures that was carried all over the United States was the plate matter carrying the picture of Senator HARRISON, the keynote speaker at New York, and his declaration in favor of every principle involved in this bill.

The gentleman from Tennessee [Mr. GARRETT], the minority leader of this House, is, in my judgment, as well informed and as able a man as I ever knew. [Applause.] When he makes a speech you do not have any trouble in understanding him. I admire him. But there are some things on which I have not been brought up to agree with the distinguished gentleman. He is always concise, square, and honest in his presentation of matters to this House. The other day he spoke for an hour and a half with reference to his views on the Constitution. He did not leave me in any doubt as to how he stood with reference to State rights, and he is asking you to-day to follow him. Let me call your attention to what he said:

> I think the sound rule of action may be found in the policy of leaving all powers that can be as well exercised through State agency to be there exerted, and extending the arm of the Federal Government only to those things and themes which the States can not—I do not mean will not; I mean can not—reach.

There is no occasion for any misunderstanding of the position of the gentleman from Tennessee in that matter. I do not agree with him in that paragraph of his great speech, because I believe when the States will not, and the matter is of sufficient national importance to demand legislation, that then the Nation must.

Now, let us see whether he, as your leader in this House, has the right to ask you, simply because you are members of his party, to adopt his views in this matter as he did to-day, because that is the whole question. We all agree that the migratory bird should be protected. We do not any of us want to be branded as men opposed to conserving bird life, but we quarrel over whether it shall be protected by the Government or by the States. Here is a part of the platform adopted at the end of a rather stormy session, where there was, at least, time for careful consideration, at New York last spring:

> The conservation of migratory birds, the establishment of game preserves, and the protection and conservation of wild life is of importance to agriculture as well as to our sportsmen. Our disappearing natural resources of timber call for a national policy of reforestation.

I believe that platform is susceptible of the construction that you ran for office on the pledge that you believed that the conservation of wild life was a national proposition, and I do not believe you had any notion then of trying to make your constituents believe that a migratory duck or wild fowl should be confined by State lines or compelled to take notice of State lines. [Applause.] I believe this is a Federal question, and I believe that both parties in the recent campaign declared in favor of it. I believe it is a question of conserving the natural resources. Our neighbor on the north has established the preserves and the sanctuaries contemplated by the treaty between the United States and Canada, but we have not. We are going to vote some time in the near future on whether we will do our part under the treaty.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. GARRETT of Tennessee. Of course, the gentleman does not mean to say that anything in that language indorses the licensing system by the Federal Government?

Mr. TINCHER. I want to say that Senator HARRISON was the keynote speaker and took part in the writing of the platform. I saw in hundreds of papers and read in several the plate matter put out as a document of the Democratic Party, in which he declared for the national regulation of migratory birds.

Mr. GARRETT of Tennessee. That declared for conservation, while the gentleman is advocating public feeding grounds. If the gentleman is standing on the Democratic platform, does he think he is standing squarely on it?

Mr. TINCHER. I never stood on one of them in my life, but I was just calling that to the attention of some of the gentlemen over on this side.

Mr. O'CONNELL of New York. That is one plank in the platform that the gentleman likes.

Mr. RAGON. Is there not something said in there about sportsmen?

Mr. TINCHER. Yes; it says that the sportsmen and the farmers together are interested in the conservation of wild life and wild game.

Mr. RAGON. A sportsman would be supposed to be in favor of shooting grounds.

Mr. TINCHER. My opinion of the shooting-ground proposition is it will afford the poor fellow, the common, ordinary, everyday fellow, a place to shoot duck, for instance, and I know more about duck than some people. I would not shoot a duck for a quail in a thousand years.

Mr. STEVENSON. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. STEVENSON. Will the gentleman tell me whether it was the farmers or the sportsmen at New York that wrote that platform? Does not the gentleman think they were sportsmen?

Mr. TINCHER. That is too personal. It is something that addresses itself to the other side of the chamber, and I am not much of a meddler.

Mr. GARRETT of Tennessee. I can assure the gentleman there is no intention in that language to indorse the turning over of police power to the Federal Government such as is done through this licensing system. I can assure the gentleman that the Democratic Party does believe in conservation and believes in going about it without these irritating things to the citizens of the country.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. TINCHER. Mr. Chairman, I ask for one more minute in order that I may close my own speech.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TINCHER. A reading of this platform makes it plain that the party not only indorsed conservation and conservation of migratory birds, but they made it a national proposition. Now, if the States are to pass the law, why were they fooling with it there? Not only that, but they specify in the very next paragraph that "our disappearing natural resources of timber call for a national policy of reforestation," and when we had the reforestation bill up here, as mild as it was in form, it

excited the same opposition to the Government functioning as the game preserve bill is now exciting. [Applause.]

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, the big end of the Republican steering committee, who has just taken his seat, spoke of his last campaign and of campaign pictures. I wonder if this was his campaign picture [indicating]. It must have been taken 25 years ago.

Mr. BARBOUR. Longer than that.

Mr. BLANTON. This is in this afternoon's paper, and the gentleman got this boost in payment for his memorial-bridge speech yesterday.

I also want to call the attention of my colleague from Texas [Mr. HUDSPETH] to the proclamation of the President of the United States. The gentleman claimed a while ago that certain birds mentioned by me were not included as migratory birds in our treaty and in the proclamation of the President. I have here the proclamation of the President based on that treaty, and he says:

For the purposes of these regulations the following shall be considered as migratory birds—

I read from the proclamation—

curlew, plover, snipe, woodcock, dove, bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, humming birds, martins, meadow larks, nighthawks or bullbats, robins, swallows, titmice, thrushes, warblers, whippoorwills, woodpeckers, and wrens.

This is quoted from the proclamation of the President of the United States based on our treaty.

If a farm boy down in western Texas takes his old shotgun out without first getting a Federal license and kills a bullbat, that lives in an old barn, which does not ever fly 200 yards away from that barn and the premises happen to belong to somebody else, he can be taken up before a Federal court as a criminal and fined.

Mr. ANTHONY. Will the gentleman yield?

Mr. BLANTON. Is not that so?

Mr. ANTHONY. It is the law now that prevents the killing of these birds and provides the penalty.

Mr. BLANTON. Well, I am thankful there are yet no Federal agents down there to arrest the farm boy, and I am opposed to sending them there now. This bill provides for the Federal agents, and I am against sending them down there.

Mr. STEVENSON. Will the gentleman yield?

Mr. BLANTON. I can not yield.

Mr. STEVENSON. I just want to call the gentleman's attention to the fact that the law now is against the killing, but under this bill anyone who attempts to shoot at them is guilty.

Mr. BLANTON. The steering committee of the Republican Party was speaking a while ago. Does anybody deny that the steering committee was speaking a while ago? Here is his picture in the paper. He talks about party platforms. I remind him of the convention at Cleveland, and who presided over that Republican Convention?

Let me say that at that convention it was presided over by your former majority leader in this House. Was he in favor of this bill? The most beneficial act I ever knew him doing was the fight he made against this bill. He came in here and ridiculed it and laughed it out of court. It took the gentleman from Massachusetts [Mr. TREADWAY], from the State that leads in all kinds of reforms of the people of the United States; it took the gentleman from Massachusetts [Mr. TREADWAY], under the direction and guidance of your then majority floor leader, to get up here and move to strike out the enacting clause; and the vote on that was 154 to 135, and the enacting clause was stricken out. And this bill has been dead for two years.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I would yield, but I know already what the gentleman is going to ask me. And on February 13, 1923, the gentleman from New York [Mr. SNELL], who to-day refused to allow any debate on the rule, also called this bill up then under special rule. And after debating it under such rule, the House voted 73 to 71 against passing the rule, and it required a roll call with absentees coming in, knowing nothing about the issue, voting then to pass the rule. That is the reason no debate was allowed to-day on this rule.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Clerk read as follows:

SEC. 3. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift, for use as migratory-bird refuges and public shooting grounds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and other expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, from moneys in the migratory-bird protection fund.

Mr. RAGON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 2, insert after the word "fund" the following: "*Provided*, That no land acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this act."

Mr. RAGON. Mr. Chairman, this amendment provides that no part of the military reservation or any territory in this country used for military purposes shall be taken over as a part of either the game refuges or public shooting grounds, and I understand that it will be accepted by the committee.

I want to say this much, that I do not agree with the views of the majority on my side of the House. I am heartily in favor of this bill, but since I do not agree with them I want to ask you to give me your attention until I can lay before you the thing as I see it. What I shall say is without any purpose one way or the other to injure feelings or to play the demagogue to the people back home.

In the first place, as I see it, the bill is simply carrying out the terms of an agreement between the United States and the Dominion of Canada in the migratory bird treaty. I believe it was in 1916 or 1918 we passed a law that provided for certain protection of the migratory birds of this country in pursuance to the terms of that treaty. Now the two countries recognize that it was a subject of international treatment, and the result was that this country and that country both came to the conclusion that certain things must be done in order to protect the migratory bird life of this country and Canada. Therefore one act has been passed, and now you are confronted with this situation. We people of the Southern States must stop and think about the situation that confronts us. I know that in the eastern part of Arkansas, and the gentlemen from that section also know, that there was a time when the greatest feeding and resting ground for wild ducks and geese there was in the United States was situated in eastern Arkansas. But when the hand of man began to apply itself to the task of developing that country and that great rich country, formerly wooded marsh and swamp lands, soon became denuded by drainage process of drainage-improvement districts until in great eastern and southern sections of Arkansas these resting and feeding grounds for migratory birds have been absolutely wiped out. It is not only true of eastern and southern Arkansas, but it is true also of Texas and Louisiana and, I suppose, Mississippi, although I am not as familiar with that State as with the others.

Now the question arises, Are you going to practice what you preached under the migratory treaty; are you going to practice what you preached under the law of 1918 that you passed? Gentlemen stand up here and try to delude us with the idea that the sovereign rights of the State must be considered. Gentlemen, if you will stop to think a minute, what right has the State to interfere with the enforcement of the Canadian and American migratory bird treaty?

What can a State do to carry out the provisions of that treaty except through laws that it may pass to protect its own native wild life and the effect those laws may have on its own citizens? The obligation is not on the State of Arkansas or the State of Massachusetts to enforce the treaty between this country and Canada, but it is upon the Federal Government. Therefore, I say that the question of protection of migratory birds becomes primarily not a thought for the State but for the Federal Government. It is all bunk to talk about State rights—I do not care whether you try to wrap it up under a little bit of sentimentality about the hidden danger of a woodpecker knocking on a sick woman's housetop in Tennessee, or about some bird dog in Kentucky setting a duck, or the slaughter of a robin or kildee in Texas, it is——

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. RAGON. Mr. Chairman, I ask unanimous consent to continue for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAGON. I submit this proposition. I have the same admiration for my friend from Tennessee [Mr. GARRETT] as anybody else. I do not think there is a man in the Congress who has a more powerful mind than he. Therefore, by reason of that great scope of mentality, when he gets wrong he is all the more dangerous. [Laughter.] The very idea of a man attracting, or attempting to attract, your attention to the weakest, tiniest, little application of a proposed law of which you could possibly think in order to encompass the defeat of a piece of legislation that we all think we ought to have! [Applause.] Then my friend, the good young fellow from Kentucky [Mr. KINCHELOE], has a whole lot to say about a Kentucky bird dog flushing a duck. That may be true, but I have never seen or heard of it occurring. Then my friend from Texas [Mr. BLANTON] gets very much excited about a simple-hearted young fellow who goes out and unintentionally shoots a robin and then gets dragged into the Federal court for it. This extreme case could happen under our present law.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. RAGON. I can not yield. Let us apply some good old common, horse sense to this matter. Why is it, if all follow the logic of sense, that when a man takes the commission of a Federal office in his pocket he therefore becomes less sensible and a man of less judgment than he was when he walked the streets of your town or my town as a plain citizen? Some of my friends would have you believe that the most monumental and colossal fools that you can find in this country are found around the Federal court, from the Federal judge down to the bailiff who takes care of the court room. They say people will not have any respect for the Federal courts. If you want an indication of the respect that people have for the Federal courts, go down into any man's district in this House and see which one of the courts the criminal fears the most. And I say, unless you have an exceptional district, it will always be the Federal court. So I am a little afraid to follow my colleagues when they cry out against the encroachment of Federal officers. Federal officers are not after the people who violate the law any more than State officers ought to be. Therefore, why get your goose flesh up over a Federal officer coming in? I have just this much more to say. The gentleman from Oklahoma [Mr. MCKEOWN] said, "Let us wipe out the license and let us appropriate from the Treasury instead." What does he want to do? I do not hunt. I am, generally speaking, a taxpayer, you might say. Many of you are in the same position. The question is, are you going to make the man who hunts pay for his sport as in this bill, or are you going to make the general taxpayer, many of whom never looked down the barrel of a shotgun, pay for it? Which is the right one to make pay for it? [Applause.]

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I do not very often take up the time of this House, but as I represent the eastern coast of Massachusetts and the islands of the sea, it does not seem to me that any other part of the United States is more interested in this proposition than that particular section. I rather think that the author of this bill, who is acquainted with conditions there, must also realize how interested those people are. The gentleman from Virginia [Mr. DEAL] said that this is a rich man's bill. If it is a rich man's bill I shall be very sorry, indeed, to vote for it. But the people of that island where the author of the bill resides in the summer time favor this bill because the wealthy people of the country have been there and bought up much of the shooting areas, and by virtue of ownership of that land control the migratory birds. Our people settled on those islands because the wild fowl were there, and it was a part of their livelihood.

When I first went to the Massachusetts Legislature the migratory bird bills took up a lot of our time, but Congress took jurisdiction and passed the Federal migratory bird act, and since then Massachusetts, and I assume no other State, has much to do with laws relating to migratory birds. We have a law now passed by the Federal Government which says that January 1 you must stop shooting, even for your own consumption, and the wealthy men say, "We are now leaving; we have been shooting for three months; but you natives must not shoot one of these fowl until we come back next year." We now have a zone system and men of wealth shoot in the upper zone, and then take automobiles, dogs, and guns and go down to the next zone; and when that zone period expires they go to the next lower zone, and so on down. It seems to our people that this is the right kind of a bill, and somehow they are convinced that the Government will buy areas and furnish a place where the poor man can shoot. You talk about Federal jurisdiction, but you do not add much to that already granted. You may have a few more Federal inspectors and collect a little more money, but jurisdiction has already been granted, and if we want to change migratory-bird regulations at all we have to come to Washington.

Last year I voted against this bill, and we stated our objections. We objected to taking a boy 100 miles to a Federal court, fine him, and put him to much expense and trouble. For that reason we were opposed to the bill. I think the gentleman from Massachusetts, who opposed the bill and offered the motion to strike out the enacting clause, would state that as his principal objection, if not the entire objection. This bill has met this objection, and I sincerely hope that section 6 will be made to apply also to the fine of $5 and $25 and not included in the $500. I have been convinced that this is really something for the benefit of the poor man, and that it will furnish a place for him to shoot in a territory where he will not be regarded as a trespasser.

Mr. HILL of Maryland. If the gentleman will yield, is it not the case that section 6 of this bill entails a double penalty?

Mr. GIFFORD. I certainly read it that way, and I think the section ought to be amended.

Mr. HILL of Maryland. It does as it now stands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. LINTHICUM) there were—ayes 86, noes 3.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer a preferential motion. I move to strike out the enacting clause.

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 42, noes 97.

So the motion was rejected.

Mr. SWANK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SWANK: On page 3, line 2, after the word "fund," strike out the period and insert the following: "*Provided*, That no person shall take any migratory bird or nest or egg of such bird on any such migratory bird refuges."

Mr. SWANK. That ought to come in after the amendment just adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SWANK. Mr. Chairman, I would like to be heard on it for five minutes. I ask unanimous consent to be heard on it for five minutes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. SWANK. Mr. Chairman, I offered my amendment on page 3, line 7, at the end of the section.

The CHAIRMAN. That section has not yet been read.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Texas asks for a division.

The committee divided; and there were—ayes 47, noes 95.

So the motion was rejected.

Mr. MCKEOWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MCKEOWN: Page 2, line 23, after the word "refuges," strike out the words "and public shooting grounds."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. MCKEOWN. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Oklahoma asks for a division.

The committee divided; and there were—ayes 21, noes 87.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That no deed or instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the area lies shall have consented to the acquisition thereof by the United States for the purposes of this act.

Mr. COLTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLTON: On page 3, line 7, after the word "act," strike out the period, insert a semicolon, and add "nor shall any tract of public land be set aside under the provisions of this act until the legislature of the State in which the area lies shall have consented to its use under the provisions of this act."

Mr. COLTON. Mr. Chairman and gentlemen of the Committee, this amendment seeks only to place the public land States on the same basis as all other States are placed under the provisions of this act. In my district it is proposed to establish one of these refuges. I may pause here to say that my State is one that has been protecting its bird and game life. In that State the birds are actually increasing, if the reports of our Game Commissioner can be relied upon, and I think they can. If you permit the establishment of a game refuge in that section without also permitting a shooting ground, you create a situation where you are breeding birds for those who own private grounds. I believe, gentlemen, that you ought to put these States on the same basis as all other States, namely, permit the legislature to consent to the use of the ground, and then you will find, I am sure, that there will be no advantage given to those who own private shooting grounds. They are not asking for any advantage, but you are, by this bill, giving it to them unless you make sure the public is given a shooting ground. The legislature favors conserving the wild bird life. You can trust them for that.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes; I yield.

Mr. HUDSPETH. Would the legislature of your State have any jurisdiction as to the use that was to be made of the public lands of your State?

Mr. COLTON. No; but this amendment simply provides that those who have control of these lands could not act until the legislature consented. This is exactly what you do in your State. You provide that when a piece of ground is bought for a public refuge your State must give consent. We are only asking that with us you do the same thing. I want a tract of land in my district acquired or set aside for a refuge, but I want my State to have a voice in saying what shall be the conditions under which it shall be set aside. We want a refuge, but we also want a shooting ground. The marshes around Bear River Bay in my State is one of the finest places for a game refuge in the United States, but we do not want it made into one without consulting us whatever. We want it so the poor man can shoot when the rich man does.

In the midst of this very tract of land, where it is proposed to set aside one of these game refuges, are many privately owned tracts of land, and we do not want to give those who own those shooting clubs an advantage over other people who reside in that locality. They do not want it themselves. Create the refuge but make it so that when one can shoot they all can. The people of the State should have some rights.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. JOHNSON of Washington. Does the gentleman think that any State which is largely made up of Federal reserves—now running, in some cases, as high as 80 per cent—can exercise any control whatever over the Federal domain?

Mr. COLTON. Certainly not, and I am not asking for that. I am simply asking that those who do exercise dominion over public lands shall not act until the legislature shall have consented. I think you will find it is only putting the public-land States on the same basis. The trouble is we have nothing to say about the use of most of the land in our State now. The Federal Government controls about 75 per cent of the land in my State.

Mr. JOHNSON of Washington. I agree with the gentleman and I think it is highly desirable, but take a great forest reserve. It might be desirable to have a bird refuge there and one of these little hunting cabins would be built. Could the State legislature come in and say the Federal Government could not put up a hunting cabin on the forest reserve until the legislature agreed to it?

Mr. COLTON. Certainly not. But the converse of that is true. The Federal authorities can be placed in the position where they can not act without the consent of the legislature.

Mr. JOHNSON of Washington. I would like to be with the gentleman, but I think he will find, as we have found in our State, that whenever a State has a lot of reserves in it that State becomes part State and part province, and that the province part will never be a part of the State, and a bill such as the one before the House will make it worse. I am speaking of the entire measure.

Mr. COLTON. I think, Mr. Chairman and gentlemen, that there is a good deal to what the gentleman from Washington says. We ought to be fair in this matter and give to these public land States the benefit of consulting the legislatures as you provide shall be done in other States.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. COLTON. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. COLTON. I am only asking, gentlemen, that you do not permit the creation of refuges for birds that may be breeding places or will be breeding places for those who can afford to own private lands and private shooting grounds, and deny the right to shoot to those who can not afford the private grounds. I am just asking that you place my State and the other public land States on the same basis as all of the States. You have demanded it for your State, why not give it to us? You will get the refuges all right. We want them. The private clubs in the Bear River Bay section have shown the good that can be done in a small way. The people in my district will cooperate and show what can be done on a large scale if the Government will give them a chance.

Mr. KINCHELOE. Mr. Chairman, I have not received the stenographic report of the remarks I made a while ago, but it seems to be the consensus of opinion that the House understood me to use the word "duck" when I intended to use the word "dove." Therefore, Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section, on this amendment, and all amendments thereto close in 15 minutes.

Mr. TYDINGS. I object, Mr. Chairman.

Mr. HAUGEN. Then, Mr. Chairman, I move that all debate on all amendments to this section close in 15 minutes, the gentleman from Kansas to be given 5 minutes, the gentleman from Minnesota 5 minutes, and the gentleman from Arkansas 5 minutes.

Mr. BLANTON. Mr. Chairman, the gentleman from Iowa can not include that last part. It is against the rules.

Mr. HAUGEN. If there is objection, I move that all debate on all amendments to this section close in 15 minutes.

Mr. WINGO. Mr. Chairman, I offer an amendment to make it 20 minutes.

The CHAIRMAN. The gentleman from Arkansas moves to amend by striking out the word "fifteen" and substituting the word "twenty."

Mr. BARKLEY. Mr. Chairman, I move an amendment to the amendment by making it 10 minutes.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now comes upon the original motion of the gentleman from Iowa [Mr. HAUGEN] as amended.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 93, noes 10.

So the motion was agreed to.

Mr. ANTHONY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Utah.

It is not the purpose of this bill to take any extensive tracts of the national domain. It is ridiculous to talk of taking any large part of the public lands in the western or mountain States for bird refuges, but it does happen that in the gentleman's State of Utah there exists one of the finest breeding grounds for wild fowl there is in the entire country. I refer to the Bear River marshes, a tract of land entirely worthless for agricultural or any other purpose, and only suitable for the breeding of wild fowl. Much of it is public land, and it

is entirely within the purpose of the bill, and we ought to have the Bear River marshes first of all if we can get them.

Mr. LAGUARDIA. How do the birds know how to get there?

Mr. ANTHONY. Let me say to the gentleman that each year the birds flock there in the thousands. The Biological Survey two years ago banded about 900 young ducks, and the experiment showed that these ducks banded by the Biological Survey were killed in 11 different States within a short time after they were banded. These marshes would make a source of wild-fowl supply for most of the Western States.

It is barely possible that a number of rich men in the gentleman's State have secured the private lands near these Bear River marshes, and if they have they will be regulated by the Federal Government and prevented from having the exclusive shooting on these marshes, and every American citizen will have the right to go on all the lands that are taken under this governmental activity.

Mr. COLTON. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman.

Mr. COLTON. Does the gentleman think this bill gives the right to the Federal Government to regulate shooting on privately owned lands?

Mr. ANTHONY. The Government has the right now to regulate the shooting of migratory birds anywhere in this country, on private, public, or any kind of land, and I say it would be a great calamity if by any amendment of this kind we were prevented from taking over the Bear River marshes and utilizing them as a great breeding ground for the furnishing of wild fowl to the other States of the Union.

Mr. COLTON. The gentleman has stated absolutely the facts concerning the Bear River grounds and I have not any doubt but my legislature would consent to their use. I am only asking that they do understand the situation and do consent to it just as the legislature of the gentleman's State has the right to act in respect of tracts of land acquired in his State.

Mr. ANTHONY. Mr. Chairman, I yield back the balance of my time.

Mr. STEVENSON. Mr. Chairman, I am going to offer an amendment to appear at the end of section 4 or at the end of the amendment of the gentleman from Utah if that amendment is adopted. That is the best I can do at the present time.

Mr. Chairman, the adoption of this amendment and of one other may enable me to vote for this bill, and I think it will, but I will not vote for it without those amendments, I will say very frankly. It may not amount to anything, but I feel that way about it.

This amendment is to add "the right of taxation by States and subdivisions thereof shall not be abrogated by such acquisition unless expressly waived by the legislature of such State."

When the legislature is called on to consent to the acquisition of a game preserve, if they want to, they can also consent at the same time for the property to be withdrawn from taxation, if the Federal Government acquires the title to it, which is the rule everywhere. But it ought to be put up to the legislature itself to determine whether it will separate itself from the right to tax such property. This is not like ceding the control over a lot or a block of land upon which to build a house, a post office, a customhouse, or anything of that kind. This is liable to cover great stretches of your territory which may, by the discovery of one thing or another, become exceedingly valuable, and if the Government acquired the title to it, it ought to acquire the title subject to the taxation of the State unless the State when it consents for the Government to acquire it, expressly consents that it may be withdrawn from the right of taxation.

Mr. LAGUARDIA. Would the gentleman give the States a right to tax Government property?

Mr. STEVENSON. I would put it in as a condition precedent to the Government acquiring the property. If you give the legislature the right to say we shall or we shall not, they would have a right to say to them you shall on condition that you do not withdraw it from the power of State taxation, which once parted from is gone forever, and means a burden on the taxpayer whenever you withdraw a large area in any subdivision in this country from taxation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah.

The question was taken, and the amendment was rejected.

Mr. STEVENSON. Mr. Chairman, I now offer my amendment.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Page 3, line 7, after the word "act," insert the words: "And right of taxation by the State and its subdivisions shall not be abrogated by such acquisition by the Government unless expressly waived by the legislature of such State."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. HAUGEN) there were 38 ayes and 87 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the areas which may be acquired under this act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General and shall be vested in the United States; but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will, in the opinion of the Secretary of Agriculture, in no manner interfere with the use of the areas so encumbered, for the purposes of this act; but such rights of way, easements, and reservations retained by the owner from whom the United States receives title shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as migratory-bird refuges and public shooting grounds; and it shall be expressed in the deed or other conveyance that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations; and all areas acquired under this act shall be subject to the laws of the State in which they are located, if such laws are not inconsistent with the migratory bird treaty act, this act, or regulations adopted pursuant to such acts.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last word to get some information. I see that provision is made here for the rights of way, easements, and reservations to be retained by the owner. I do not see any provision made for guarding the rights of way of highways of States. Is it intended in the clause down here which gives the widest authority for regulation to do anything? Do the words mean that the Government may stop or obstruct State highways? It seems to me it is something that the House had better stop and think about in these days of building highways all over the country when millions of dollars are invested in great highways. Are we going to give the right to a board by regulation to stop and destroy or obstruct the construction of highways that belongs to a State and its subdivisions?

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 6. That no person shall take any migratory bird, or nest, or egg of such bird on any area of the United States which heretofore has been or which hereafter may be acquired, set apart, or reserved as a bird or game refuge or public shooting ground under this act, any other law, proclamation, or Executive order, or disturb, injure, or destroy any notice, signboard, fence, building, or other property of the United States thereon, or cut, burn, or destroy any timber, grass, or other natural growth thereon, or enter thereon for any purpose, except in accordance with rules and regulations which the Secretary of Agriculture is hereby authorized and directed to make, but nothing in this act or in any regulation adopted pursuant to this act shall be construed to prevent a person from entering upon any such area for the purpose of fishing or of trapping fur-bearing animals in accordance with the law of the State in which such area so entered is located, or to authorize the United States to make any charge, other than the hunting-license fee prescribed by this act, for hunting migratory birds on any such area.

Mr. SWANK. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 5, line 1, after the word "act," strike out the balance of the line and line 2 and insert the following: "*Provided*, That no person shall take any migratory bird or nest or egg of such bird on such migratory bird's refuge."

Mr. SWANK. Mr. Chairman, it appears to me that if this bill is to be as effective as we would like to have it the hunters and gunmen ought not to be permitted to go on refuges and kill the birds. My idea of the bill is that the refuges for game birds are places where they can rest and feed, and that we should have separate shooting grounds under the terms of the bill. If you are going to allow these men to go in the refuges and kill the birds where they feed and rest, then I can not see much left in the bill.

Mr. Chairman, a good deal has been said here about yanking a fellow up in a Federal court, taking him two or three hundred miles, and prosecuting him. I admit that I am sort of scared of these Federal courts myself. I remember as a boy in the Indian Territory when they used to drag men across that Territory and take them down to Fort Smith, Ark., before Judge Parker, and try them. I do not like to extend the authority of the Federal courts over the citizens of the States, but they can now take a man just as far away and try him for many violations of Federal laws as they could if we should pass this bill. We have to do one of two things, in my judgment. Either we have to stop hunting altogether or provide some means of preventing the hunters from killing all of these migratory birds. Like my friend from Arkansas [Mr. RAGON], I do not hunt very much, but when I do I am willing to pay something for it. It is very easy to criticize a bill. There is never a bill presented in this House that some bright, active, energetic Member can not subject it to a lot of criticism. That is an easy thing to do, but I ask these gentlemen who are opposing this measure now, who say that they are in favor of preserving the wild life of the country, to tell us something that they have to offer in the place of this bill.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. SWANK. Yes.

Mr. HUDSPETH. Mr. Chairman, I am in full sympathy with my friend's amendment, but is it not taken care of in section 6, where it provides that no person shall take any migratory bird or nest or egg on any place in the United States which has been set apart as one of these game refuges?

Mr. SWANK. That is all very well, but later, on the same page, in the same section, the following language is used—

other than the hunting license fee prescribed by this act, for hunting migratory birds on any such area.

If that provision is left there as it is, it means that they can go on these refuges and kill birds in accordance with the provisions of this act.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. SWANK. Yes.

Mr. McKEOWN. Under the gentleman's amendment they could not go on these refuges and hunt, but they would have to have a shooting ground located somewhere else?

Mr. SWANK. That is correct.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. SWANK. Yes.

Mr. LINTHICUM. The gentleman speaks of being carried some two or three hundred miles for trial.

Mr. SWANK. I did not mean myself.

Mr. LINTHICUM. No. I do not imagine the gentleman has ever been tried for anything, but what I want to say is this. Is it not the law now that if you kill one of these migratory birds you will be subject to arrest? It is only a question of whether you will be found out or not.

Mr. SWANK. Certainly. They can take you just as far now for trial as they can if this bill is passed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 51, noes 56.

Mr. SWANK. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. HAUGEN and Mr. SWANK were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 63, noes 66.

So the amendment was rejected.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word for the purpose of directing the attention of the gentleman from Kansas [Mr. ANTHONY] to line 22, page 4, the last word, "trapping." Should not that word be "taking"? Under the State laws the language of the bill would permit fishing and trapping on these preserves. Should it not be "taking" under the definition of taking later on in the bill?

Mr. ANTHONY. I think that "taking" would cover it, but the word "trapping," I think, belongs there because it refers to fur-bearing animals, and it is not the intention of the bill to interfere with the State laws in regard to fishing or to killing fur-bearing animals on any of this land taken over.

Mr. BARBOUR. Under this language you could not shoot fur-bearing animals. You would have to trap them, and if the word "taking" was there under the definition of "taking" later on in the bill, you could shoot them.

Mr. ANTHONY. I think perhaps the gentleman is correct.

Mr. BARBOUR. It occurs to me it was intended to be "taking," and probably it might have been a misprint.

Mr. ANTHONY. If the gentleman will offer an amendment.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment:

Page 22, line 4, strike out the word "trapping" and insert the word "taking."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: Page 4, line 22, strike out the word "trapping" and insert in lieu thereof the word "taking."

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. HILL of Maryland. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. BLANTON. I make the motion that the committee do now rise. It is 20 minutes to 6.

The CHAIRMAN. The question is on the motion of the gentleman from Texas.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 42, noes 69.

So the motion to rise was rejected.

The Clerk read as follows:

SEC. 7. That, except as hereinafter provided, each person who at any time shall take any migratory bird, or nest or egg thereof, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, shall first procure a license, issued as provided by this act, and then may take any such migratory bird, or nest or egg thereof, only in accordance with regulations adopted and approved pursuant to the migratory bird treaty act (act July 3, 1918, 40 Stat. L. p. 755); such license, however, shall not be required of any person or any member of his immediate family resident with him to take in accordance with such regulations any such migratory bird on any land owned or leased by such person and occupied by him as his place of permanent abode, and nothing in this act shall be construed to exempt any person from complying with the laws of the several States.

Mr. JONES. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 5, line 19, after the word "States" insert "provided such license shall inure to the benefit of any member of such applicant's immediate family who is less than 21 years of age.

Mr. HAUGEN rose.

Mr. BLANTON. Mr. Chairman, I make the point of order that we have no quorum present. It is in order to make that point at any time.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-six Members are present—less than a quorum.

Mr. McDUFFIE. Let us quit.

Mr. VESTAL. Let the gentleman from Iowa move a call of the House.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 745) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, had come to no resolution thereon.

HELIUM GAS

Mr. FROTHINGHAM, from the Committee on Military Affairs, submitted for printing under the rule, a conference report on the bill (H. R. 5722) authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes.

FEDERAL COOPERATIVE MARKETING BOARD

Mr. SNELL, from the Committee on Rules, submitted House Resolution 451, providing for the consideration of the bill H. R. 12348, a bill to create a Federal cooperative market-

ing board, to provide for the registration of cooperative marketing, clearing house, and terminal market organizations, and for other purposes, which was referred to the House Calendar.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following order:

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 5084) to amend the national defense act, approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes.

NATIONAL DEFENSE ACT

Mr. McKENZIE. Mr. Speaker, in view of the fact that the bill H. R. 5084, which the Senate in its message just received has requested to be returned, has been referred to the Committee on Military Affairs of the House, and I have not had time to look into it to see what the request is about, I object.

LEAVE TO ADDRESS THE HOUSE

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes next Tuesday, after the reading of the Journal and the disposal of routine business on the Speaker's table.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for 20 minutes next Tuesday after the reading of the Journal and the disposal of routine business on the Speaker's table. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, I wish the gentleman would wait until we can see what business we have on hand on that day. We may have to take up the deficiency bill. I hope the gentleman will defer his request.

Mr. SEARS of Florida. I do not care to insist on it, but my experience is that we do not get much time in the consideration of these bills.

Mr. SNELL. I think later in the week the gentleman can be accommodated.

Mr. SEARS of Florida. I am sure my friend will accommodate me one day next week.

Mr. SNELL. I will try to do so.

THE WADSWORTH-GARRETT RESOLUTIONS

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the Wadsworth-Garrett resolution.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the Wadsworth-Garrett resolution. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, the Rules Committee have announced that they have ready for submission to the House a rule for the immediate consideration of the Garrett resolution (H. J. Res. 68). As the time allowed for its consideration may be unduly restricted, I desire to submit for the RECORD a brief analysis of its provisions and contrast it with the Wadsworth resolution (S. J. Res. 109), of which it is said to be a companion.

This illusion of the identity of these two resolutions is studiously cultivated. It is only fair to the House that their provisions should be differentiated, and this I shall attempt to do as briefly as I can.

The gentleman from Tennessee [Mr. GARRETT], the author of House Resolution 68, delivered a splendid address in the House on January 20, with the intent, presumably, of showing some reason for the passage of his amendment to the Constitution. The House is deeply indebted to him for his splendid résumé of the history of constitutional amendments ratified in the past and for his learned disquisition upon our Constitution. It is a masterpiece of research and political acumen and will be an ornament to the pages of the CONGRESSIONAL RECORD for all time to come.

I am afraid, however, his presentation of the political growth of our Constitution will utterly fail to convince the student of our history that he ought to be content with the limited concession which his resolution makes to the popular demand that constitutional amendments should be ratified by the direct vote of the people. They fought and won the fight for direct election of Senators, taking the question out of the hands of State legislatures, and they are not likely to be content much longer with indirect methods in the ratification of amendments to the Federal Constitution.

The Garrett amendment still retains the obsolete requirement of ratification by State legislatures, although the strongest argument in his speech is that in which he shows the potential menace involved in the fact that 4,000 individuals, the members of our State legislatures, may alter the fundamental organic law of 110,000,000 people. His precise language is, I submit, the strongest possible argument against his own timid and insufficient resolution and, at the same time, the best argument in favor of a popular vote on constitutional amendments. I quote as follows from page 2159 of the CONGRESSIONAL RECORD of January 21, 1925:

As the situation now stands fewer than 4,000 individuals in this Nation of 110,000,000 people can, if they choose, alter every sentence and paragraph of the Constitution of the United States, except the clause as to equal suffrage in the Senate, and with just a few hundred added they could change even that. Two-thirds of a majority of the House and Senate and a majority of a quorum of 48 legislatures can completely revolutionize our dual form of government within the space of a few fleeting months and upon any efforts so to do there rest no legal restraints, either State or Federal. So far as law is concerned, either organic or statutory, the people have no means of prevention nor any method of recourse or review.

I have here a tabulation by States of the number of members composing the two houses of their respective legislatures.

I think it is true that in all save two States a majority constitute a quorum. In Tennessee, I am certain, and in Indiana, I think, the constitutions require two-thirds.

It would be a rather tedious task to figure out the exact minimum number that could change the Constitution, and I have not attempted it, but it is accurate to say that it can be accomplished by fewer than 4,000 individuals.

OTHER RESOLUTIONS DISREGARDED

In view of the general demand of the people for the right to vote directly on constitutional amendments, it is surprising that the Judiciary Committee should have reported out this bill without a public hearing. It was not the only bill. I have introduced a resolution in every Congress of which I have been a Member providing for the direct submission of constitutional amendments to popular vote.

Congressman LAGUARDIA and former Congressman Siegel also introduced such a resolution. Why were we not given a chance to be heard when the subject was under consideration?

THE CHAIRMAN'S IDEA OF A BACK-TO-THE-PEOPLE AMENDMENT

The chairman of the Judiciary Committee calls the resolution a "back-to-the-people" amendment. Is it possible that he seriously thinks that the people can not see through this shallow subterfuge? Only an ostrich is supposed to cherish the delusion that he can conceal his body by hiding his head.

HANDS ACROSS THE AISLE

I am surprised that some Republican did not introduce the Wadsworth resolution on this side of the Capitol, thus giving the proposal the conservative stamp so significant of its origin. Why camouflage by reporting out the Garrett resolution on this side of the Capitol?

I confess I do not like this "hands across the aisle" gesture of having a Republican committee report out a Tory measure with a Democratic tag. This is not a Democratic proposal. The Wadsworth resolution was not expected to be. The whole transaction smacks of jugglery and subtlety utterly unfair to the people of this land.

They call the proposal the Wadsworth-Garrett resolution. They are two different propositions, similar only in the manifest design to deny the people the right to vote directly on changes in the organic law of the Nation. They have the privilege with respect to State constitutions and ought to have it with respect to the Constitution of the Nation.

THE GARRETT RESOLUTION

There is not a liberal progressive feature in either bill. The only change that even slants in that direction is the provision in the Garrett resolution that at least one branch of the legislature passing on a constitutional amendment must be elected after the amendment is proposed. That, in fact, seems to be the main purpose of this resolution. This and nothing more.

RATIFICATION MAY BE SUBJECT TO POPULAR VOTE, BUT NOT REJECTION

It is true it concedes a sop to the popular demand for a referendum by providing that any State may require that ratification by the legislature be subject to confirmation by popular vote.

Note the significant words in that plausible passage, "may" and "ratification." The word "may," of course, makes it discretionary. The specific provision for confirmation in case of ratification makes the absence of a provision for a popular vote in case of rejection particularly striking. It means that if the amendment is beaten by the legislature no recourse to popular

vote is possible. If it is ratified its opponents still have a chance to appeal to the people—if the legislature so directs. If it is rejected its advocates are done for.

PROSPECT OF REFERENDUM A GLITTERING BAIT

But even the prospect of a referendum in case of ratification by the legislature turns out on examination to be only an illusion and a glittering bait. There will never be any referendum. You can rest assured of that. If the legislature ratifies, it will refuse a referendum on the ground that it was elected after the amendment was proposed, and therefore had a mandate to ratify or reject. "No necessity" will be the plea.

A TRAP OF INDIRECTION AND DUPLICITY

The whole purpose of these tortuous and involved proposals is simply to preclude the possibility of a popular vote. The demand for direct action of the people on constitutional amendments is caught in a trap of indirection and duplicity.

I am ashamed that such a Tory reactionary measure should emanate from a Democratic source. I have great faith in democracy. It was conceived in liberty and its aim has always been to extend and enlarge human rights. It has boasted of having faith in the integrity and intelligence of the people.

THE WADSWORTH RESOLUTION

On the other hand, by a strange irony in the progress of human events, the Wadsworth resolution, though emanating from a traditionally conservative source, furnishes a more promising prospect of obtaining a popular vote on constitutional amendments.

It is true it did not have this liberal cast when introduced. Whatever good it has was introduced by the committee that reported it. It abolishes legislative ratification and substitutes ratification by convention elected in the various States. It also provides for popular ratification by direct vote of the people—if the States so determine.

That, of course, puts the determination in the hands of the legislatures of the respective States, and that means nothing less than the interposition of another hurdle to jump before a popular vote can be held.

WHY NOT GO THE WHOLE WAY

Congress should take the responsibility and say bluntly that ratification of constitutional amendments shall be made by direct vote of the people in the same manner as United States Senators are elected.

To impose on the State legislatures the responsibility of determining whether a constitutional amendment shall be passed upon by a constitutional convention or by the legislatures themselves will invite discord, delay, and confusion. We will have some States ratifying by convention and others by the State legislatures, and the result will ever remain open to argument and dissatisfaction.

THE PEOPLE RESENT THE RESTRAINTS OF INDIRECT GOVERNMENT

I am satisfied that the people of this Nation want more liberty and a greater emancipation and resent the restraints of indirect government. They should not be treated as children. They want to, and should be permitted to, vote on fundamental changes in their organic laws. They do it now in the States on constitutional amendments, and it is unblushing arrogance to assert that they are incompetent to pass on constitutional amendments affecting the entire Nation. They tired of the corruption and disorder incident to the election of United States Senators by State legislatures. They are prepared now to take the final step which will give the voters of the land an opportunity to express their will as to how and under what laws they shall be governed, and will visit their wrath upon those who attempt by cunning and subtlety to defeat their aspirations.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES—SEVENTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, together with its accompanying report of the delegates of the United States to the Seventeenth International Congress Against Alcoholism, held at Copenhagen Denmark, in August, 1923.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 19, 1925.

CELEBRATION OF THE TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Industrial Arts and Expositions:

To the Congress of the United States:

In accordance with the wishes of the commission for the celebration of the two hundredth anniversary of the birth of George Washington, I hereby transmit to the Congress its first report.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 19, 1925.*

UTILIZATION OF CERTAIN FUNDS RECEIVED FROM THE PERSIAN GOVERNMENT FOR THE EDUCATION OF PERSIAN STUDENTS IN THE UNITED STATES

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a communication from the Secretary of State with regard to the utilization, for the education of Persian students in the United States, of certain funds received and to be received from the Persian Government in a sum not to exceed $110,000, which are being paid by that Government in reimbursement of the expenses incurred in connection with the return to the United States on the U. S. S. *Trenton* of the remains of the late Vice Consul Robert W. Imbrie, who was killed in Teheran on July 18, 1924.

It is my earnest hope that the Congress will see fit to authorize the setting aside of all funds received from the Persian Government on this account, not to exceed $110,000, to be spent for educational purposes as aforementioned under such conditions as the Secretary of State may prescribe. Such action by the Congress will tend to foster friendly relations between the United States and Persia and will be in line with the precedent already sanctioned by the Congress in the case of the Boxer indemnity fund.

In view of the fact that one-half of the $110,000 has already been received and as the balance is expected shortly to be paid by the Persian Government, I trust that the Congress will grant the necessary authority at the present session in order that the funds in question may not lie idle during the coming year.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 19, 1925.

THE MIGRATORY BIRD REFUGE BILL

Mr. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 745.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the pending bill. Is there objection?

There was no objection.

Mr. SCHNEIDER. Mr. Speaker, seldom do we find a measure that so completely commands the unanimity of opinion of this body as does this bill known as the migratory bird refuge act. It has come to us with the indorsement of people from every section of the Nation. For my part, I can say that I have yet to receive a letter in opposition to it.

For years we have been viewing with alarm the growing scarcity of migratory birds. Particularly noticeable is this fact to the lovers of sport, the hunter, and the farmer, who know the value of insectivorous birds. It is easy to understand why this alarming situation has arisen. Our population has been growing in leaps and bounds. There is now scarcely a section of land in the United States which has not been traversed. The hunting grounds of yesterday are cities or flourishing farms to-day. Most of our forests have not been spared from the ax of the woodsman. What was once the home, resting place, and refuge of our once rich and abundant bird and game life has been gradually destroyed. Of course, much of this was inevitable. We had to expand. Our population grew, and naturally the woodman had to clear the way. But little did we realize how important it was that this should be done in a systematic way in order to preserve as much as possible a home, resting place, and refuge for the bird and game life of our Nation. Then, too, came the automobile, good roads, and ingenious inventions perfecting the firearms, all of which greatly contributed to the rapid extinction of our game. But particularly destructive to our migra-

tory bird life is the extensive but purposeless drainage projects that have been carried on in the past few years.

But what has been done to remedy the situation? While some States have established some very excellent game laws and have tried to do what they could to help preserve and build up our game, the results have not been satisfactory. The problem can not be handled by any one State or all States individually. It is national in scope, particularly as to migratory birds, which is the subject of the proposed legislation. It is regrettable indeed that the relief now proposed comes so late, but it is the only scientific and real way to deal with this question.

The Federal Government has in some measure taken cognizance of the importance of this problem, and has now on its statute books what is known as the migratory bird treaty act. The regulations established by the treaty between the United States and Great Britain, entered into by President Wilson in 1913, and the act of Congress of 1916 adequately establishes restrictions as to the hunting of this game, and creates the power in the Department of Agriculture for the administration of these regulations. But all of this, while good as far as it goes, is practically useless without adequate provision for game refuges.

This bill now before us fills this gap in our national scheme for the preservation of the migratory bird life. The primary objects of this bill are the establishment of migratory bird refuges, to furnish in perpetuity homes for migratory birds, and the establishment of public shooting grounds, thus preserving the American system of free shooting.

The bill creates a commission known as the migratory bird refuge commission, composed of the Secretary of Agriculture, who is designated as its chairman, the Secretary of Commerce, the Postmaster General, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker.

This commission is empowered to pass upon the purchase or rental and maintenance of such marsh and water areas as are especially suitable for migratory water fowl, some of which areas are to be used wholly or in part as free public shooting grounds in the open season, and all of which are to be perpetuated and safeguarded as breeding and resting places for these birds.

In talking about migratory birds, we mean not only the ducks, geese, and others classed as game, but also the great host of smaller species which are so vitally essential to the agricultural interests of the country through their incessant war on injurious insects.

The migratory-bird treaty act makes the following classification for migratory birds, which also applies to this bill:

1. Migratory game birds:

(a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae, or rails, including coots, gallinules, and sora and other rails.

(d) Limicolae, or shore birds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidea, or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks, or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory nongame birds: Auks, aukets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

The general administration of this act and the refuges to be created is left to the Department of Agriculture.

Much more can be said to elaborate on other provisions of the bill, but for our purpose it will suffice to make mention the salient points only. It, of course, provides certain regulations and penalties for their enforcement, but I am obliged to pass these up for the present.

I now wish to speak briefly on the most remarkable provision of the bill, and that is the method by which it proposes to finance this whole thing. It is almost unbelievable, but it is true that this great work is to be done with practically no cost to the taxpayers of this country. I say this is an ingenious proposal.

It bespeaks of the unselfishness and extreme interest of those who would bear the burden to see that our migratory bird life is again replenished by not asking us to appropriate a cent of the taxpayers' money for this purpose. Yes, those who would pay its cost are most eager for its passage. It means much to them, for, as you will see later, the small cost to them will eventually be repaid them many fold. The bill provides for a license fee of $1 to be paid by each one who would desire to hunt migratory birds. Please bear in mind that this does not mean that everyone who hunts must take out the Federal license of $1, but only those who hunt migratory birds; nor does it require the owner of the land where he makes his abode to take out the license, even if he wishes to shoot migratory birds. The farmer who wants to shoot migratory birds, if the other regulations such as the open season, and so forth, permit, may do so on his own land where he lives and without a license.

It is these moneys to be received for such licenses and which are to be known as the Migratory Bird Protection Fund that will pay for these refuges and the expense in their administration.

The bill aims to coordinate the work with other departments and thus make it administratively feasible and at as little expense as possible. For example, by providing for the issuance of the licenses by the post offices much unnecessary expense is saved and the public has a most convenient place where they can apply for the license.

For a more detailed explanation of the bill, I would invite your attention to some of its provisions itself and also to the hearings, particularly to the statements of Mr. R. P. Holland, vice president of the American Game Protective Association, the statement of Dr. E. W. Nelson, chief of the Biological Survey of the Department of Agriculture, and the letter from Hon. Henry C. Wallace, secretary of the Department of Agriculture, all of whom are strongly in favor of this bill.

I have already in a very general way spoken of the importance of this bill to the farmer in its relation to the protection of insect-eating birds so vital to agriculture and the importance of this measure to the lovers of sport and the hunters by making this kind of game more plentiful. But to convey its importance to you more concretely than I have already stated it I wish to read to you what the Secretary of Agriculture, Hon. Henry C. Wallace, says in a letter to the chairman of the Committee on Agriculture. As to the value of the migratory wild fowl as a food he says:

> The State game warden of Minnesota reported that during the hunting season of 1919 about 1,800,000 wild ducks were killed in that State. The meat value of these birds undoubtedly exceeded $2,000,000. This indicates the economic advantage to the country at large to be derived in food value alone from the enactment of this bill. It is evident that the carrying out of the proposed conservation program under the Federal hunting license law would increase the total value of migratory wild fowl taken by hunters each year in the United States by millions of dollars, in addition to insuring the perpetuation of this valuable natural resource.

Elaborating on this subject, he goes on to say:

> The bill, although primarily intended to increase the number of wild fowl and to perpetuate wild-fowl hunting, really involves a number of other important factors of definite advantage to the public. The mistaken idea is prevalent that the drainage of practically all water or marsh areas is a public benefit. Experience has shown in numerous instances that drainage has resulted in destroying a water area with its varied uses and left in its place land of little or no value. A careful survey by qualified experts should be made in which the community values of the water areas should be considered before individual drainage projects are undertaken. Under proper conditions many lakes, ponds, swamps, and marsh areas will yield a distinctly larger return than would the same area drained for agricultural purposes. The development and utilization of all available products of such areas might be termed "water farming."
>
> In addition to the returns from water areas in wild fowl, they may also yield the following products:
>
> 1. A valuable supply of food and game fish.
>
> 2. An annual return of furs from such fur bearers as the muskrats, skunks, and raccoons frequenting them.
>
> 3. The production in certain areas of grasses valuable for forage and for the manufacture of grass rugs, which has become a profitable industry; also, in suitable areas, the production of willow suitable for basketry and other purposes.
>
> 4. A natural ice supply.
>
> 5. A definite help in maintaining the underground water level which is frequently essential for the production of forest growth and other vegetation.
>
> 6. An invaluable help in holding back the run-off of flood waters, assisting in preventing excessive erosion, and other flood damage. There is little doubt that if shallow lakes and swamp areas along

drainage ways are systematically drained, the danger of terrific floods and the enormous destructions of lives and property will be seriously increased. This effect of extensive drainage work deserves careful attention in view of its definite relation to the public welfare.

7. Many of the more attractive of such water areas lend themselves admirably for educational uses and to assist in interesting the people of the State in out-of-door recreation and in the natural resources of plant and animal life which are so important in supplying useful commodities.

There is, however, little question that the greatest benefit of all from the establishment of public hunting grounds through the enactment of the present law would be its contribution to the public welfare.

At the present time it is estimated that more than 6,000,000 people in the United States engage in hunting of one kind or another each year. The rapidly increasing drainage of marsh areas threatens the continuance of one of the most popular kinds of hunting, which will be perpetuated under the terms of the present bill. With the growing congestion of population and the unrest which such massing produces, the maintenance and development of opportunities for out-of-door recreation, such as is here contemplated, places this bill in the front rank among legislative measures bearing on the public welfare. Throughout the United States a very large proportion of the men who spend a certain period each year in hunting are undoubtedly among our most desirable citizens. Through their out-of-door recreations they develop their resourcefulness and maintain a physical and mental health which is of the utmost value in relation to their civic usefulness.

I can add but little to the significant facts pointed out to us by the Secretary of Agriculture.

Let me say in conclusion that I have the privilege of representing one of the finest sections of our State known for its many natural lakes and fine hunting grounds, thus making it a resort and a veritable pilgrimage for innumerable thousands every year, many of whom come hundreds of miles. Nature has been generous to us and we have, in a large measure, been able to preserve it for the enjoyment of all of our people and those from surrounding States. Yet as Commissioner Elmer S. Hall, of Wisconsin, says in his statement in support of this bill:

Under the present laws of this State, permitting shooting from sunrise to sunset, ducks do not get much rest. The refuge bill will improve conditions in this State wonderfully, as quiet zones are needed for rest and feeding.

It is my hope that every citizen of America, who loves the sport of hunting and fishing, may have this opportunity, which we in northern Wisconsin, in part at least, now have. For this reason, and for the many other reasons already enumerated, I heartily indorse the measure now before us and earnestly hope for its enactment into law at this session of Congress.

HOUR OF MEETING SATURDAY

Mr. SNELL. Mr. Speaker, on Saturday we expect to take up the agricultural bill. I ask unanimous consent that the House meet on Saturday next at 11 o'clock a. m.

Mr. BLANTON. Mr. Speaker, reserving the right to object, we received this morning, through the mail, protests against that bill from farm organizations, and I object.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, there have been many requests from Members to take up the Private Calendar. I ask unanimous consent that when the House adjourns to-morrow afternoon it stand in recess until 8 o'clock p. m., and that at 8 o'clock the House take up unobjected-to bills on the Private Calendar from 8 o'clock until 11 o'clock p. m.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I presume that request carries with it the understanding that we take up the calendar from where we left off at the last meeting.

Mr. SNELL. I should have no objection to that. I think the calendar is starred where it starts.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, we have had one night session this week.

Mr. SNELL. We have had the fewest night sessions at this short session of any past short session.

Mr. BLANTON. I know; but we have had lots of committee work to do, requiring us to be in our offices until midnight, and we will not get home until midnight to-night. If the gentleman will make that one night next week, there will not be any objection from this source, but for the present I object.

ENROLLED BILL SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9724. An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory, and for other purposes.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Friday, February 20, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

890. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1925, for fees and expenses of witnesses, Supreme Court, District of Columbia, $15,000 (H. Doc. No. 640); to the Committee on Appropriations and ordered to be printed.

891. A communication from the President of the United States, transmitting a statement of a claim of Luftschiffbau Zeppelin, allowed by the General Accounting Office, in the sum of $187,000 (H. Doc. No. 641); to the Committee on Appropriations and ordered to be printed.

892. A letter from the Postmaster General, transmitting claim of Frank A. Bartling, postmaster at Nebraska City, Nebr., for credit on account of funds and stamps of the value of $12,469.35; to the Committee on Claims.

893. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department for the fiscal year ending June 30, 1925, under "Contingent, Bureau of Yards and Docks," for repairs of damages caused by a typhoon at Guam, $50,000 (H. Doc. No. 642); to the Committee on Appropriations and ordered to be printed.

894. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination of St. Petersburg Harbor, Fla.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DYER: Committee on the Judiciary. H. R. 7179. A bill to protect the interest of innocent persons in property which is used in the unlawful conveyance of goods or commodities; without amendment (Rept. No. 1520). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 12306. A bill for copyright registration of designs; without amendment (Rept. No. 1521). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED of New York: Committee on Industrial Arts and Expositions. H. J. Res. 357. A joint resolution providing for the cooperation of the United States in the sesquicentennial exhibition commemorating the signing of the Declaration of Independence, and for other purposes; with an amendment (Rept. No. 1522). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. J. Res. 359. A joint resolution authorizing the Secretary of War to loan certain horses, bridles, saddles, and saddle blankets to the thirty-sixth triennial conclave committee of Knights Templar for use at the thirty-sixth triennial conclave Knights Templar of the United States to be held at Seattle, Wash., in July, 1925; with an amendment (Rept. No. 1523). Referred to the Committee of the Whole House on the state of the Union.

Mr. WRIGHT: Committee on Military Affairs. S. 2865. An act to define the status of retired officers of the Regular Army who have been detailed as professors and assistant professors of military science and tactics at educational institutions; without amendment (Rept. No. 1524). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. A report under House Resolution 348 with reference to administration of Indian affairs in Oklahoma (Rept. No. 1527). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 451. A resolution to provide consideration of H. R. 12348, creating the Federal cooperative marketing board; without amendment (Rept. No. 1532). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 9221. A bill to fix the salaries of certain judges of the United States; with amendments (Rept. No. 1528). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12156. A bill extending the time for repayment of the revolving fund for the benefit of the Crow Indians; without amendment (Rept. No. 1529). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STRONG of Kansas: Committee on War Claims. S. 3050. An act for the relief of the Turner Construction Co., of New York City; without amendment (Rept. No. 1525). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10707. A bill conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of Solomon L. Van Meter, jr., against the United States, for the use or manufacture of an invention of Solomon L. Van Meter, jr., covered by letters patent No. 1192479, issued by the Patent Office of the United States July 25, 1916; with an amendment (Rept. No. 1526). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. S. 3202. An act for the relief of Lieut. (junior grade) Thomas J. Ryan, United States Navy; without amendment (Rept. No. 1530). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (S. 3202) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAGUARDIA: A bill (H. R. 12358) creating the position of chief flying officer of the Army and method of appointment of Chief of Air Service; to the Committee on Military Affairs.

By Mr. GRIFFIN: A bill (H. R. 12359) providing for a medal of honor and awards to Government employees for distinguished work in science; to the Committee on the Library.

By Mr. SCHALL: A bill (H. R. 12360) to provide an additional judge for the District Court of the United States in and for the District of Minnesota; to the Committee on the Judiciary.

By Mr. McKENZIE: A concurrent resolution (H. Con. Res. 45) authorizing the Committees on Military Affairs of the Senate of the United States and the House of Representatives to sit jointly during the sessions or adjourned intervals of the Sixty-eighth and Sixty-ninth Congresses; to the Committee on Rules.

By Mr. BLANTON: A joint resolution (H. J. Res. 361) to prohibit the Federal Reserve Board, its member banks, and all other governmental banking institutions, from discounting any obligations, or directly or indirectly handling any banking transactions for, and from receiving, handling, or discounting any money, credits, or securities, of or for any nation, or the nationals thereof, that has defaulted in obligations due the Government of the United States, and failed and refused to fund such obligations in violation of their understanding had with this Government at the time it advanced such loans, and to discourage American citizens and private banking institutions from rendering such banking facilities; to the Committee on Banking and Currency.

By Mr. LAGUARDIA: A joint resolution (H. J. Res. 362) for the purpose of protecting officers of the Army, Navy, or Marine Corps who are called by committees of the House or Senate to testify concerning matters before such committees; to the Committee on Military Affairs.

By Mr. EVANS of Montana: A joint resolution (H. J. Res. 363) to appropriate certain tribal funds of the Flathead and other Indian tribes in Montana, to bring test suits in the United States District Court of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. HASTINGS: A joint resolution (H. J. Res. 364) authorizing the enlargement of the Federal Veterans' Hospital at Muskogee, Okla., by the purchase of an adjoining city hospital, and authorizing the appropriation of $150,000 for that purpose; to the Committee on World War Veterans' Legislation.

By Mr. LAGUARDIA: A resolution (H. Res. 448) regarding Army, Navy, and Marine Corps testimony before committees of Congress; to the Committee on Military Affairs.

By Mr. MEAD: A resolution (H. Res. 449) directing the Speaker of the House of Representatives to appoint a select committee of seven members to inquire into the operations of the United States Railroad Labor Board, and for other purposes; to the Committee on Rules.

By Mr. REED of West Virginia: A resolution (H. Res. 450) providing for consideration of H. R. 12154, a bill extending the provisions of the District of Columbia rent act; to the Committee on Rules.

By Mr. GRAHAM: Memorial of the Legislature of the State of Pennsylvania opposing the enactment of legislation intended to increase the amount of water to be taken from the Great Lakes through the Chicago drainage canal for sanitation and power purposes; to the Committee on Military Affairs.

By Mr. CULLEN: Memorial of the Legislature of the State of Pennsylvania expressing opinion that any increase in the amount of water permitted to be drained from the Great Lakes would be against the interests of the people of the United States, would seriously affect the fishing industries of the Commonwealth, would be unnecessary, and would be in violation of the treaty relations with the Dominion of Canada; to the Committee on Rivers and Harbors.

By the SPEAKER (by request): Memorial of the Legislature of the State of Indiana requesting Congress to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act, 1920; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 12361) granting a pension to Bridget McAvoy Baker; to the Committee on Pensions.

Also, a bill (H. R. 12362) granting a pension to Olivia Marie Kindleberger; to the Committee on Pensions.

Also, a bill (H. R. 12363) for the relief of William Mackin; to the Committee on Naval Affairs.

Also, a bill (H. R. 12364) granting a pension to Lillian Pike; to the Committee on Pensions.

Also, a bill (H. R. 12365) for the relief of Jerome J. Wingers; to the Committee on Naval Affairs.

By Mr. DAVEY: A bill (H. R. 12366) granting an increase of pension to Lydia L. Robinson; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 12367) granting an increase of pensions to Cordelia C. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12368) granting an increase of pension to Addie M. Pullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12369) granting an increase of pension to Emma R. Morrill; to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 12370) for the relief of Mildred B. Crawford; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 12371) granting a pension to Henry G. Jones; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3846. By the SPEAKER (by request): Petition of the State Woman's Christian Temperance Union, of Mississippi, favoring distribution of literature relative to the dangers of the narcotic evil; to the Committee on Printing.

3847. Also (by request) petition of Progressive Party of the State of Oregon expressing opposition to leasing Muscle Shoals to a private company; to the Committee on Military Affairs.

3848. By Mr. BURTON: Petition of citizens of Cleveland, Ohio, and Jacksonville, Fla., urging Congress to take the necessary action to revoke the present requirement of visés on passports; to the Committee on Foreign Affairs.

3849. By Mr. GALLIVAN: Petition of Lazarus Davis Lodge, No. 548, I. O. B. A., Maurice Levy, recording secretary, 98 Nightingale Street, Dorchester, Mass., urging early and favorable consideration of Perlman resolution, which provides for the admission into the United States of many refugees stranded in foreign ports; to the Committee on Immigration and Naturalization.

3850. By Mr. PATTERSON: Petition of numerous residents of the first congressional district of the State of New Jersey, opposing Senate bill 3218, or any other religious legislation or any other pending legislation touching on the subject of religion; to the Committee on the District of Columbia.

3851. By Mr. SCHALL: Petitions of Maple Plain, Robbinsdale, Minneapolis, Kingsdale, Sturgeon Lake, Denham, Princeton, South Haven, Anoka, Braham, and Cambridge, all in the State of Minnesota, protesting the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3852. By Mr. SWING: Petition of residents of Escondido, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

SENATE

FRIDAY, *February 20, 1925*

(Legislative day of Tuesday, February 17, 1925)

The Senate met at 12 o'clock meridian on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 11957) to authorize the President in certain cases to modify visé fees, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 27. An act to compensate the Chippewa Indians of Minnesota for timber and interest in connection with the settlement for the Minnesota National Forest;

H. R. 166. An act authorizing the Secretary of the Interior to issue patent to the city of Redlands, Calif., for certain lands, and for other purposes;

H. R. 2419. An act for the relief of Michael Curran;

H. R. 2689. An act to consolidate certain lands within the Snoqualmie National Forest;

H. R. 2716. An act to amend paragraph 20 of section 24 of the Judicial Code as amended by act of November 23, 1921, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes";

H. R. 2720. An act to authorize the sale of lands in Pittsburgh, Pa.;

H. R. 3927. An act granting public lands to the town of Silverton, Colo., for public park purposes;

H. R. 4114. An act authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.;

H. R. 4522. An act to provide for the completion of the topographical survey of the United States;

H. R. 4825. An act for the establishment of industrial schools for Alaskan native children, and for other purposes;

H. R. 5170. An act providing for an exchange of lands between Anton Hiersche and the United States in connection with the North Platte Federal irrigation project;

H. R. 5612. An act to authorize the addition of certain lands to the Mount Hood National Forest;

H. R. 6436. An act for the relief of Isidor Steger;

H. R. 6651. An act to add certain lands to the Umatilla, Wallowa, and Whitman National Forests in Oregon;

H. R. 6695. An act authorizing the owners of the steamship *Malta Maru* to bring suit against the United States of America;

H. R. 6853. An act to relinquish the title of the United States to the land in the preemption claim of William Weekley, situate in the county of Baldwin, State of Alabama;

H. R. 7631. An act for the relief of Charles T. Clayton and others;

H. R. 7780. An act for the relief of Fred J. La May;

H. R. 8169. An act for the relief of John J. Dobbertin;

H. R. 8226. An act granting relief to the First State Savings Bank of Gladwin, Mich.;

H. R. 8267. An act for the purchase of land adjoining Fort Bliss, Tex.;

H. R. 8298. An act for the relief of Byron S. Adams;

H. R. 8333. An act to restore homestead rights in certain cases;

H. R. 8366. An act to add certain lands to the Santiam National Forest;

H. R. 8410. An act to change the name of Third Place NE. to Abbey Place;

H. R. 8438. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River from Cliff Street, McKeesport, to a point opposite in the city of Duquesne;

H. R. 9028. An act to authorize the addition of certain lands to the Whitman National Forest;

H. R. 9160. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties and otherwise;

H. R. 9495. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery;

H. R. 9537. An act to authorize the Secretary of Commerce to transfer to the city of Port Huron, Mich., a portion of the Fort Gratiot Lighthouse Reservation, Mich.;

H. R. 9688. An act granting public lands to the city of Red Bluff, Calif., for a public park;

H. R. 9700. An act to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan;

H. R. 9724. An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory, and for other purposes;

H. R. 10143. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.;

H. R. 10348. An act authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold donated to the United States for park purposes;

H. R. 10411. An act granting desert-land entrymen an extension of time for making final proof;

H. R. 10412. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River;

H. R. 10590. An act authorizing the Secretary of the Interior to sell certain land to provide funds to be used in the purchase of a suitable tract of land to be used for cemetery purposes for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians;

H. R. 10596. An act to extend the time for commencing and completing the construction of a dam across the Red River of the North;

H. R. 11030. An act to revive and reenact the act entitled "An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.," approved May 31, 1921;

H. R. 11214. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910;

H. R. 11255. An act granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

H. R. 11445. An act to amend the national defense act;

H. R. 11500. An act to amend the act entitled "An act to consolidate national forest lands";

H. R. 11668. An act granting consent of Congress to the States of Missouri, Illinois, and Kentucky to construct, maintain, and operate bridges over the Mississippi and Ohio Rivers at or near Cairo, Ill., and for other purposes;

H. R. 11952. An act to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park; and

H. J. Res. 342. Joint resolution to authorize the appointment of an additional commissioner on the United States Lexington-Concord Sesquicentennial Commission.